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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	23-CR-146(DG)
Plaintiff,	:	
	:	United States Courthouse
-against-	:	Brooklyn, New York
RACHEL CHERWITZ and	:	
NICOLE DAEDONE,	:	
	:	May 23, 2025
Defendants.	:	9:00 a.m.
- - - - -	X	

TRANSCRIPT OF CRIMINAL CAUSE FOR JURY TRIAL
BEFORE THE HONORABLE DIANE GUJARATI and a JURY
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:	JOSEPH NOCELLA, JR.
	Interim United States Attorney
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	BY: CELIA COHEN, ESQ.
	MICHAEL P. ROBOTTI, ESQ.
	KELLY LIN, ESQ.
	SCHUYLER LA BARGE, ESQ.

(Appearances continued on the next page.)

1 Appearances: (Cont'd)

2

3 For Defendant Daedone: BONJEAN LAW GROUP, PLLC
4 303 Van Brunt Street, 1st Floor
5 Brooklyn, New York 11231
6 BY: JENNIFER A. BONJEAN, ESQ.
7 KELSEY KILLION, ESQ.

6

7

8 Also Present:

9 Liam McNett, Paralegal, US Attorney's Office
10 Marlane Bosler, Paralegal, US Attorney's Office

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11 Kamille Simons, Paralegal, Ballard Spahr
12 Keith Garland, Paralegal, Ballard Spahr

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19 Proceedings reported by machine shorthand, transcript produced
20 by computer-aided transcription.

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21 Court Reporter: Michele D. Lucchese,
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24

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Proceedings

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1 (In open court; jury not present.)

2 THE COURTROOM DEPUTY: All rise.

3 (Judge DIANE GUJARATI entered the courtroom.)

4 THE COURTROOM DEPUTY: The Honorable Diane Gujarati
5 is now presiding.

6 THE COURT: Good morning.

7 THE COURTROOM DEPUTY: You may be seated.

8 Your Honor, this is United States of America against
9 Rachel Cherwitz and Nicole Daedone.

10 Is the Government ready?

11 MS. BENSING: Yes.

12 Kayla Bensing, Kaitlin Farrell, Nina Gupta and Sean
13 Fern, joined by Paralegal Specialist Marlane Bosler and Liam
14 McNett, and FBI Special Agent Tricia Quintero.

15 Good morning, Your Honor.

16 THE COURT: Good morning, everyone.

17 MS. FARRELL: Good morning.

18 MS. COHEN: Good morning, Your Honor.

19 Celia Cohen, Michael Robotti, Schuyler LaBarge.
20 Kelly Lin is not here, but she will be shortly. Kelly Lin,
21 Keith Garland and Kamille Simons all on behalf of Rachel
22 Cherwitz.

23 THE COURT: Good morning, everybody.

24 MS. BONJEAN: Good morning, Your Honor. Jennifer
25 Bonjean and Kelsey Killion on behalf of Ms. Daedone.

1 THE COURT: Good morning, everybody.

2 We're still waiting on one juror, so I'm assuming
3 it's a traveling issue, but we can take up a few other issues.

4 Does the Government want to start? There was
5 something handed to me. It looks like a 302 and some notes.

6 Is that something we need to take up right now?

7 MS. BENSING: I would like to briefly make a record
8 about it, Your Honor.

9 THE COURT: Yes.

10 MS. BENSING: So it's clear for the record.

11 THE COURT: We're good.

12 MS. BENSING: The Government inadvertently failed to
13 produce prior to one of the witness's testimony an agent
14 report and notes of that report to the defense. When we
15 realized this yesterday, we immediately after court produced
16 it to the defense. Those are marked 3500-MPI-32 and
17 3500-MPI-32-A.

18 We have spoken with the defense about potential
19 options here, including recalling the witness, stipulating to
20 the contents of the 302.

21 And so I think the defense is still considering what
22 they want to do, but I don't think there is anything for the
23 Court to decide, but I did want to put it on the record so
24 that it's clear.

25 THE COURT: Does anyone want to be heard at this

1 time? Or you can be heard at another time as well if you need
2 more time.

3 MS. COHEN: Yes, just briefly, Your Honor.

4 This, as the Government said, this was, you know,
5 it's a 302 that should have been disclosed, but it was crucial
6 information about the witness, Max Pixley.

7 You know, Ms. Pixley, I specifically did not ask Ms.
8 Pixley about the incident that is described in the 302 because
9 I didn't obviously know what she would say about it, so that
10 was very key.

11 THE COURT: Sorry. What is the event or the -- what
12 exactly did you not ask about the demos.

13 MS. COHEN: Yes. Well, I asked generally about the
14 demo, but the demo demonstration that she helped and
15 specifically testified about, she was present and we knew she
16 was present from Ms. Halpern's testimony. Obviously, the fact
17 that she didn't remember would have been a significant point
18 for us.

19 THE COURT: Are you asking for any relief at this
20 time?

21 MS. COHEN: At this time, no. I mean, the Government
22 has said we can either call her back or stipulate, but, you
23 know, we're thinking about it.

24 THE COURT: That's fine. I don't want to put you on
25 the spot.

Proceedings

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1 MS. COHEN: Yeah.

2 THE COURT: When did you get this? This morning?

3 MS. COHEN: Last night.

4 THE COURT: Ms. Bonjean, did you want to be heard on
5 this at this time?

6 MS. BONJEAN: No thank you.

7 THE COURT: Okay. So I am not taking any action
8 unless somebody asks me to do something in the future about
9 these two documents.

10 But I do want to understand more how this happened
11 because it's a 302. I assume the Government has some
12 systematic way of collecting 302s from the agency, correct?

13 MS. BENSING: Yes, Your Honor.

14 And this one was just simply not produced. It was,
15 I think a contained mistake on the Government's part. As soon
16 as we discovered it, we immediately produced it.

17 THE COURT: It was in the possession of the trial
18 team and not produced or was it not obtained from the FBI?

19 MS. BENSING: No. We had it in our possession and
20 had intended to produce it and it just didn't go over, Your
21 Honor.

22 THE COURT: Okay. So among the other things you'll
23 be doing this weekend is you will be going back through
24 whatever you need to go through to make sure that you have
25 turned over everything that you are supposed to have turned

1 over.

2 MS. BENSING: Yes, Your Honor. We already have a
3 plan in place for that. We have already begun doing it, and
4 we anticipate that this won't be an issue again.

5 THE COURT: Again, if anyone wants any action by the
6 Court on those documents, you will raise it with me.

7 Is there anything else we need to take up before
8 this next witness? I know there are a number of issues for
9 the witness after that.

10 MS. BENSING: We just plan to read the stipulations
11 that we've provided to the Court into the record first thing,
12 and then we'll call the next witness. So we just wanted to
13 flag that for the Court.

14 THE COURT: And the parties are in agreement that
15 they will be read out to the jury?

16 MS. COHEN: Yes, Your Honor.

17 MS. BONJEAN: Yes, Your Honor.

18 THE COURT: Okay.

19 I do have things to take up with you, but I think if
20 they don't relate to this witness, we can get the jury in
21 because they are going to be leaving early today.

22 Okay.

23 (Jury enters.)

24 THE COURT: Good morning, everyone. You may be
25 seated, everyone.

1 And Ms. Farrell, the Government can call its next
2 witness.

3 MS. FARRELL: Thank you, Your Honor.

4 Before we call our next witness, we would like to
5 read two stipulations into the record.

6 And Mr. D'Agostino, I would ask that we put these on
7 the ELMO.

8 THE COURT: And I would ask when you read, to read
9 slowly. People tend to speed up when they read. I need to
10 hear, the jury needs to hear and the court reporter needs to
11 here.

12 MS. FARRELL: And, Your Honor, first of all, I would
13 like to move into evidence Government Exhibits 5003 and 5004,
14 which are stipulations among the parties.

15 THE COURT: Any objection?

16 MS. COHEN: No objection.

17 MS. BONJEAN: No objection.

18 THE COURT: Government Exhibits 5003 and 5004 are
19 admitted.

20 (Government Exhibits 5003 and 5004 were received in
21 evidence.)

22 MS. FARRELL: Thank you, Your Honor.

23 So I will begin by reading 5003 which states:
24 United States of America against Rachel Cherwitz and Nicole
25 Daedone, stipulation.

1 It is hereby stipulated and agreed by and between
2 the United States of America and the defendants, Rachel
3 Cherwitz and Nicole Daedone, through their attorneys,
4 collectively, the parties, as follows:

5 In connection with the above-captioned case,
6 OneTaste, Inc., OneTaste, collected and produced to the
7 Government e-mails in OneTaste's possession. "The OneTaste
8 e-mails." The OneTaste e-mails listed below are authentic
9 within the meaning of Federal Rule of Evidence 901.

10 Each OneTaste e-mail accurately identifies the time
11 and date the e-mail was sent and/or received and accurately
12 identifies the participants by name or e-mail address.

13 And then below there are a list of a few dozen
14 e-mails. I'm not going to read out the Government Exhibit
15 numbers. They are on the document that is in evidence.

16 Number two: The following corporate entities are
17 all affiliated with OneTaste, Inc.: Caravan Retreats; Great
18 Work Publishing, LLC; Institute of OM, Inc.; OneTaste Media,
19 LLC; OneTaste NYC, LLC; OneTaste Cooperative, Inc., OneTaste
20 Lineage, LLC.

21 The following corporate entities entered into
22 licensing, rental or other agreements with OneTaste, Inc.:
23 OTBA, Inc., The Next Right Thing, LLC; Texas Limbic Network;
24 the Land Sanctuary, LLC; The Land Operations LLC; The Land
25 Co., LLC.

1 The following corporate entity was formed by
2 individuals who are also associated with OneTaste, Inc.: OM
3 Free, Inc.

4 This stipulation, which is marked as Government
5 Exhibit 5003, is admissible in evidence and then it's signed
6 by attorneys for the parties.

7 Now, I'm going to put on the ELMO and read aloud
8 Government Exhibit 5004, which is another stipulation between
9 the parties.

10 It is hereby stipulated and agreed by and between
11 the United States of America and the defendants Rachel
12 Cherwitz and Nicole Daedone, through their attorneys,
13 collectively, the parties, as follows: In connection with the
14 above-captioned case, OneTaste, Inc., "OneTaste," collected
15 and produced to the Government text messages threads for the
16 time period January 1st, 2008 through approximately January
17 1st, 2019, that were obtained from the personal electronic
18 devices of certain individuals affiliated with OneTaste, not
19 including Nicole Daedone and Rachel Cherwitz, who were no
20 longer employed at OneTaste at the time of collection. "The
21 text threads."

22 The parties agree that the text threads identified
23 by Government Exhibit numbers set forth below are authentic
24 within the meaning of Federal Rule of Evidence 901. And then
25 the document lists several dozen Government Exhibit numbers

1 that I'm not going to read aloud, but are found in the
2 document.

3 For each of the text threads produced by OneTaste,
4 the date and time stamps identified therein accurately
5 identify the approximate date and time that the text thread
6 was sent and/or received. The text thread chat participants
7 are identified as they appear on the phone or device from
8 which the text thread was retrieved.

9 This stipulation, which is marked as Government
10 Exhibit 5004 is admissible in evidence, and then below is the
11 signature block.

12 Thank you, Your Honor.

13 THE COURT: Sure.

14 And now you can call your next witness.

15 MS. FARRELL: Thank you, Your Honor.

16 The Government calls Lyndsi Keves.

17 THE COURT: You can come right up here.

18 THE COURTROOM DEPUTY: Step up, remain standing,
19 raise your right hand.

20 (Witness sworn.)

21 THE COURTROOM DEPUTY: Please be seated. State your
22 full name for the record. Spell your name slowly. Please use
23 the microphone. Thank you.

24 THE WITNESS: My name is Lyndsi Keves.

25 Spell my last name?

Keves - direct - Farrell

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1 THE COURT: Yes.

2 THE WITNESS: K-E-V-E-S.

3 THE COURT: You may proceed, Ms. Farrell.

4 **LYNDSI KEVES,**

5 called as a witness, having been first duly

6 sworn/affirmed, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. FARRELL:

9 Q Good morning. Can you please introduce yourself to the
10 jury?

11 A Hi. I'm Lyndsi Keves.

12 Q Ms. Keves, where do you live?

13 A Here in Brooklyn.

14 Q Do you know an individual named Nicole Daedone?

15 A Yes.

16 Q Who is Nicole Daedone to you?

17 A She was the leader of OneTaste.

18 Q Do you see her here today?

19 A Yes.

20 Q Can you please point her out and identify her by
21 something she's wearing?

22 A She's standing with the black jacket and pearls.

23 THE COURT: Would you move the mic a little closer
24 to you? We just need to hear you.

25 MS. BONJEAN: So stipulated.

Keves - direct - Farrell

2962

1 THE COURT: Go ahead, Ms. Farrell.

2 MS. FARRELL: Thank you, Your Honor.

3 Q Has Nicole Daedone ever harmed you?

4 MS. BONJEAN: Objection to the form.

5 THE COURT: Overruled.

6 Q You can answer.

7 A Yes.

8 Q And at a high level, how has she harmed you?

9 A The cult that she led --

10 MR. ROBOTTI: Objection.

11 MS. BONJEAN: Objection.

12 MR. ROBOTTI: Foundation.

13 MS. BONJEAN: Foundation.

14 THE COURT: I want to hear the rest of the answer
15 first.

16 You can continue.

17 A -- was highly abusive.

18 MS. BONJEAN: Objection. Nonresponsive to the
19 question.

20 THE COURT: I'm going to sustain the objection and
21 strike the answer.

22 You can ask your next question.

23 Q Do you know an individual named Rachel Cherwitz?

24 A Yes.

25 Q Who is Rachel Cherwitz to you?

Keves - direct - Farrell

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1 A She was also a leader in the organization.

2 Q And do you see her here today in the courtroom?

3 A Yes.

4 Q Can you please identify her by something she's wearing
5 for the record?

6 A She's standing with the black-rimmed glasses.

7 Q And has Rachel Cherwitz ever harmed you?

8 MR. ROBOTTI: Objection.

9 THE COURT: Overruled.

10 A Yes.

11 Q And at a high level, how did Rachel Cherwitz harm you?

12 And try to keep it specific to Ms. Cherwitz.

13 A Emotionally, abusive, verbally abusive.

14 Q You mentioned OneTaste. What is OneTaste?

15 A It's a cult where a group of people --

16 MR. ROBOTTI: Objection.

17 MS. BONJEAN: Objection.

18 THE COURT: Overruled.

19 A -- where they taught something called orgasmic
20 meditation.

21 Q And what is orgasmic meditation?

22 A It's where one person strokes the clitoris of another
23 person.

24 Q Were you involved in OneTaste?

25 A Yes.

Keves - direct - Farrell

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1 Q In what capacities?

2 A I began attending an intro course and then joined the
3 coaching program, and then I was in several -- attended
4 several courses, retreats. And then at the end of my
5 experience there, I was working on the sales team.

6 Q And approximately when -- and I'm talking about your
7 entire time at OneTaste -- but approximately when were you
8 involved in OneTaste?

9 A It was it -- I believe it was November 2016 to around
10 October 2017, so just shy of a year.

11 Q What sorts of services or products did OneTaste offer
12 during your time there?

13 A Classes, retreats, coaching circles, intensive retreats.
14 They called them intensive.

15 Q During the time -- you mentioned you were an employee at
16 the very end of your time there, but during -- looking at your
17 whole time at OneTaste, did you provide any labor or services
18 for the company?

19 A Yes.

20 Q And what sort of labor or services did you provide?

21 A Early on, there was -- I did a lot of volunteering,
22 working like back of house events, and then towards the very
23 end, I was on the sales team.

24 Q Did you make any payments to OneTaste?

25 A Yes.

Keves - direct - Farrell

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1 Q Approximately how much did you pay to OneTaste during
2 your time there?

3 A Tens of thousands of dollars.

4 Q And what were those payments for?

5 A Classes, retreats, coaching circles.

6 Q Did OneTaste ever pay you?

7 A Yes.

8 Q What for?

9 A Being on the sales team.

10 Q And that was towards the end of your time there; is that
11 correct?

12 A Yes.

13 Q Do you remember how much you were paid approximately?

14 A I think it was around \$10 an hour or something.

15 Q We'll get into the details later, so I'm really just
16 asking a high-level question.

17 Did you experience any financial harm in connection
18 with your time at OneTaste?

19 A Yes.

20 Q And how would you describe the level of financial harm
21 you experienced there?

22 A Severe.

23 Q And, again, I'm going to get into the details later, but
24 at a high level, did you experience any psychological harm
25 during your time at OneTaste?

Keves - direct - Farrell

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1 A Yes.

2 Q And how would you describe the level of psychological
3 harm you experienced at OneTaste?

4 A Also very high.

5 MS. BONJEAN: Objection. That's nonresponsive.

6 MR. ROBOTTI: Join.

7 THE COURT: Sustained.

8 Q How, if at all, would you describe the level of
9 psychological harm you experienced?

10 A I would --

11 MS. BONJEAN: I'm going to maintain my objection to
12 the questions.

13 MR. ROBOTTI: Join.

14 MS. BONJEAN: Vague.

15 THE COURT: Overruled.

16 Q You can answer.

17 A Yeah, I would describe the psychological abuse as being
18 very high.

19 Q How, if at all, did that psychological abuse impact your
20 willingness to provide labor or services to OneTaste?

21 MS. BONJEAN: Objection; vague.

22 THE COURT: Overruled.

23 THE WITNESS: Can you repeat the question?

24 Q Sure.

25 How, if at all, did the psychological harm that you

Keves - direct - Farrell

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1 just described impact your willingness to provide labor or
2 services to OneTaste?

3 A Like towards -- you mean like towards the end --

4 Q While you were working there.

5 A -- when I left?

6 I mean, it was, you just did what you were told.
7 There was a level of like obedience.

8 MR. ROBOTTI: Objection; Foundation.

9 THE COURT: Sustained.

10 MS. FARRELL: Is that only to that last portion,
11 Your Honor?

12 THE COURT: No. I'm sustaining the objection.

13 You can ask your next question.

14 Q So let's take a step back. Where did you grow up?

15 A In Michigan.

16 Q And how far did you go in school?

17 A I have two master's degrees.

18 Q In what?

19 A Education and social work.

20 Q And prior to joining OneTaste, did you have both of those
21 master's degrees?

22 A I had the first one in education.

23 Q What did you do after you graduated college?.

24 A I did a program called Teach For America, so I taught
25 third grade.

Keves - direct - Farrell

2968

1 Q How did you first hear about OneTaste?

2 A It was through somebody that I knew at Unity Church.

3 Q Approximately, when was that, that you first heard about
4 OneTaste?

5 A I feel like I heard about it at least a year before, I
6 attended a course. So that would have probably been 2015.

7 Q And approximately how old were you then?

8 A 32.

9 Q And at the time, where were you living?

10 A Here in New York, in Manhattan.

11 Q And how were you supporting yourself?

12 A I was a nanny at that time.

13 Q For who?

14 A My sister.

15 Q Had you stopped teaching?

16 A Yes.

17 Q And what was the first OneTaste event that you attended?

18 A The first OneTaste event was a -- I forget what they
19 called it, but it was like a free communications -- like where
20 they said they played communication games. Yeah.

21 Q Were there OneTaste staff and community members there?

22 A Yes.

23 Q How did they treat you?

24 A Lots of attention and praise, interest.

25 Q What was your initial reaction to this first event you

Keves - direct - Farrell

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1 went to?

2 A Intrigue. It felt positive.

3 Q Did you meet either Rachel Cherwitz or Nicole Daedone at
4 that event?

5 A No.

6 Q Did you eventually meet them both?

7 A Yes.

8 Q Do you remember approximately when?

9 A I met Rachel at the -- it was a New Year's Eve retreat at
10 -- so that would have been just at the end of 2016. And then
11 I met Nicole later. I don't recall exactly when. I want to
12 say like at least a couple months into the -- my time there.

13 Q And did you come to learn what their roles were at
14 OneTaste?

15 A Yeah.

16 Q What were those?

17 A Nicole was the founder and Rachel was one of -- I
18 understood her role to be one of the top like teachers,
19 leaders.

20 Q Beside having founded the company what was Nicole's role
21 at the time that you were there?

22 MS. BONJEAN: Objection. Foundation.

23 THE COURT: Overruled.

24 A When I -- when I was there she -- she was the leader, the
25 head of the -- of OneTaste.

Keves - direct - Farrell

2970

1 Q Did you have an opportunity to observe the two of them
2 interacting?

3 A Yes. Sometimes.

4 Q And based on your observations, what was their
5 relationship?

6 A They were close. Rachel was kind of her right-hand
7 person.

8 MR. ROBOTTI: Objection. Foundation.

9 THE COURT: Overruled.

10 Q So you mentioned at the top orgasmic meditation.

11 When did you first become familiar with orgasmic
12 meditation?

13 A Well, I had -- somebody had told me about it at the Unity
14 Church and then I was -- I watched the Ted Talk that Nicole
15 Daedone gave. So that was kind of how I first learned about
16 it.

17 Q Did you attend a Ted Talk in person?

18 A No.

19 Q How did you watch the Ted Talk?

20 A On my computer.

21 Q And did this all happen before you went to that first
22 event that you described?

23 A Yes.

24 Q And, so, at the beginning of your time at OneTaste, what
25 was your understanding of how orgasmic meditation fit into the

Keves - direct - Farrell

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1 OneTaste curriculum?

2 A It was one of the practices that they taught but that
3 there was like an overarching kind of theme of classes around
4 spiritual awakening and relationships, intimacy, connection.

5 Q Was orgasmic meditation a feature of that first event you
6 went to about communication skills?

7 A No.

8 Q So when did you -- when was the first time you learned
9 about orgasmic meditation from OneTaste?

10 A After the communications event, I had signed up for an
11 intro to OM course.

12 Q How did you come to sign up for the intro to OM course?

13 A I signed up for it online, actually. Yeah.

14 Q Was that after you attended that first communications
15 event you described?

16 A No, I think I actually signed up for it first and then
17 someone called me to tell me about the -- the communications
18 event.

19 Q So what were your personal views of orgasmic meditation
20 at the time you first joined or started attending OneTaste
21 classes?

22 A Like upon first hearing about it, it sounded like crazy,
23 something I would not want to do, like that was my initial
24 reaction. But then after watching the Ted Talk, I was
25 curious, and then being at the communications event before the

Keves - direct - Farrell

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1 OM, intro to OM class, it seemed like people are kind and
2 friendly and, so, I started to become more, like, open to the
3 idea.

4 Q When you became involved at OneTaste, was OneTaste
5 hosting public group OMs at the time?

6 A No.

7 Q So you testified that you were at OneTaste for about a
8 year. During your year there, approximately how many OneTaste
9 courses did you end up taking?

10 A It's hard to keep track of how many. A lot. Probably
11 20, 20 to 30. There were also all kinds of events in between,
12 you know, like, so, there were official classes or courses.
13 But then there were also just events that I was volunteering
14 at, and then we would support the women's support group, so I
15 was there it seemed like all the time in that year. But some
16 of that time was me taking official courses and some of that
17 time was me volunteering or going to support, like the women's
18 groups, things like that.

19 Q So following those first two courses -- two classes you
20 described, the communications one and the intro to OM, did
21 there come a time when you signed up for the coaching program?

22 A Yes.

23 Q And approximately when was that?

24 A That was at the intro to OM class.

25 Q Describe to us how you were -- withdrawn.

Keves - direct - Farrell

2973

1 So, focusing on the content of the coaching program,
2 in broad strokes, what was the curriculum?

3 A The curriculum of the coaching program was a lot of
4 communications, relationship building.

5 Q And how did orgasmic meditation fit into that curriculum?

6 A They talked about it and could have used it as an analogy
7 for like when you're talking with other people, you know, like
8 giving strokes, like and up stroke or a down stroke when you
9 are speaking with people. They kind of tied it into the
10 language and the communication, but there wasn't -- you
11 weren't learning how to OM at the coaching program.

12 Q Did either Rachel Cherwitz or Nicole Daedone teach in
13 that coaching program?

14 A Yes.

15 Q Was orgasmic meditation a requirement of the coaching
16 program?

17 A No, it wasn't required but encouraged.

18 Q And what was the length of the coaching program? In
19 other words, how long did it last and how frequently did you
20 attend?

21 A I want to say it was -- I don't know. However many
22 months, four or five months. I can't remember exactly, but it
23 was the -- the set up was you attended like one weekend a
24 month and then there were events kind of -- and like
25 gatherings in between those months.

Keves - direct - Farrell

2974

1 Q Did there come a time when you participated in a feedback
2 exercise in the coaching program?

3 A Yes.

4 Q And were either of the defendants involved in that,
5 Rachel Cherwitz or Nicole Daedone?

6 A Well, there was like a feedback exercise that -- I mean,
7 I'm pretty sure we did it at the coaching program, but I know
8 for sure there was that exercise at the New Year's Eve retreat
9 that I attended.

10 Q So the New Year's Eve retreat that you testified about
11 separate from the coaching program?

12 A Yes. It was a separate event or a separate class, but it
13 was happening -- it overlapped with the coaching program.

14 Q Describe to us what that New Year's Eve retreat was.

15 A It was supposed to be around, you know, like learning --
16 kind of starting the New Year setting goals, kind of letting
17 go of the past year, kind of idea, that kind of idea.

18 Q Did you meet either Rachel Cherwitz or Nicole Daedone at
19 this retreat?

20 A Rachel Cherwitz.

21 Q Did you engage in a feedback exercise with her?

22 A Yes.

23 Q And describe to us what happened during that feedback
24 exercise.

25 A So, you were supposed to sit in front of another person

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1 and give them insights about them, things that you observed or
2 thought about them. And Rachel partnered with me. And one of
3 the -- one of the insights she gave me was that I was so
4 fucking irritating because I couldn't just admit what a slut I
5 really was and that I just wasn't wanted to get fucked.

6 Q Now, at that point were you enrolled in the coaching
7 program?

8 A Yes.

9 Q And how much did the coaching program cost, if you
10 remember?

11 A I think it was around 13,000.

12 Q And when had you enrolled in the coaching program?

13 A In November of 2016.

14 Q And this New Year's program was at the end of the year,
15 the same year?

16 A The end of December.

17 Q How did it make you feel to -- for the feedback to be
18 getting that you were just a slut?

19 A It was really jarring and shocking and hurtful.

20 Q And, so, did you consider, you know, disassociating with
21 OneTaste at that time?

22 A Yeah.

23 Q Why didn't you?

24 A Well, I had already paid for the coaching program, and
25 I'd also gun a relationship with somebody in OneTaste. He was

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1 a student at the time as well.

2 Q So tell us about that. Did there come a time when you
3 became romantically involved with someone at OneTaste?

4 A Yeah.

5 Q What was his name?

6 A He went by Rami.

7 Q And approximately when did you start dating him?

8 A Pretty early on, like in -- I think it was in the
9 beginning of December.

10 Q And what was Rami's financial situation?

11 A He made more money than I did. He made a good amount of
12 money.

13 Q So you mentioned you attended a number of OneTaste
14 courses over a period of about a year. As a general matter,
15 how much did each course cost?

16 A I mean, anywhere from a few hundred to 60,000 -- plus.

17 Q And you testified you took approximately how many
18 classes?

19 A I want to say between like 10 and 30.

20 Q So what were the different methods you used to pay for
21 these courses?

22 A So, initially I had savings. When I started, I had
23 savings. And then Rami paid for some, and I put some on a
24 credit card toward the end.

25 Q How, if at all, did OneTaste staff assist you with coming

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1 up with ways to pay?

2 A There was like encouragement of asking Rami to pay for
3 event.

4 Q Who specifically encouraged you to ask Rami to pay?

5 A I don't -- it wasn't Rachel or Nicole, and I don't
6 remember exactly who.

7 Q And what about with respect to credit cards, did you have
8 any discussions about credit cards with staff at OneTaste?

9 A Yeah. That one I specifically remember was Aubrey
10 Fuller.

11 Q What happened with you and Aubrey Fuller with respect to
12 paying for a course?

13 A Yeah. It was like the women's intensive, and she
14 suggested that I open a credit card.

15 MR. ROBOTTI: Objection. Hearsay.

16 THE COURT: Response, Ms. Farrell.

17 MS. FARRELL: Both 801(d)(2) and also I'm about to
18 get into the effect on the listener.

19 THE COURT: Overruled.

20 Q So what did you do in response to the suggestion by
21 Aubrey Fuller that you take out a credit card or that you pay
22 with a credit card?

23 A I went to the bank around the corner and opened a credit
24 card.

25 Q And why did you do that?

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1 A There was this often like high-pressure sales tactics, so
2 there was -- we were at an event and it was like, you know,
3 everybody is going to the women's intensive, all of these
4 other women that I was close with in the group, and this
5 feeling of, you know, being left behind, a feeling of wanting
6 to like get the approval of the leaders of OneTaste.

7 Q What was Aubrey Fuller's role at the company at the time?

8 A She was -- I believe she was in charge of the New York
9 location.

10 Q And where was she in relation to Rachel Cherwitz and
11 Nicole Daedone in the company?

12 A I think she was --

13 MS. BONJEAN: Objection. Foundation.

14 MR. ROBOTTI: Objection.

15 THE COURT: Overruled.

16 A She was up there, like pretty close to the top with them.

17 MS. BONJEAN: Objection.

18 MR. ROBOTTI: Join.

19 THE COURT: Overruled.

20 Q So when you first started attending OneTaste courses, did
21 you participate in Oming?

22 A At first, no. It took me a little -- like a couple of
23 weeks or a few weeks to do the practice.

24 Q And did you start doing orgasmic meditation at some
25 point?

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1 A Yes.

2 Q Once you started dating Rami, were the two of you
3 monogamous?

4 A Yes.

5 Q Did you express that you were monogamous to other
6 participants at OneTaste?

7 A Yes.

8 Q How, if at all, or what, if anything, was the reaction to
9 your monogamy with Rami?

10 MS. BONJEAN: Objection to foundation.

11 THE COURT: Sustained.

12 Q Did you share with Rachel Cherwitz that you were
13 monogamous with Rami?

14 A Yeah. Well, there were like women's groups that met
15 every Sunday, and so the women would gather and talk about
16 their experiences and relationships, and so I shared it with,
17 yeah, the group.

18 Q Did that include Rachel Cherwitz?

19 A Yes.

20 Q What was Rachel Cherwitz's reaction to your being
21 monogamous with Rami?

22 A Just that I was like clingy and it was discouraged, that
23 I was trying to stay in my comfort zone, I wasn't willing to
24 get messy, that kind of thing.

25 Q Did you ever discuss this with Nicole Daedone?

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1 A I don't -- like, I never really -- apart from being in
2 Nick's coaching circles, I didn't really have conversations
3 with her.

4 Q Did there come a time you moved into Rami's apartment?

5 A Yes.

6 Q What were the circumstances of your moving in with him?

7 A So there was the month of the coaching program. It was
8 March, and it was like relationship month was the theme. So,
9 we were encouraged to kind of have some sort of like
10 experiment or project or some kind of challenged within a
11 relationship, something that challenged us. And, so, that's
12 what Rami and I did for that. We moved into together as like
13 a relationship experiment.

14 Q Did someone in the coaching program instruct or encourage
15 you to move in together?

16 A I don't remember.

17 Q While you were dating Rami, what, if any, interest did he
18 have in sort of self-help or exploration?

19 MR. ROBOTTI: Objection. Relevance.

20 THE COURT: Sustained.

21 Q During your time at OneTaste, what, if any, experiences
22 did you have with respect to staff members there discouraging
23 you from being involved in other organizations?

24 A Yeah. So, Rami was often kind of seeking and exploring
25 and wanting to be in different groups or --

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1 MR. ROBOTTI: Objection. Hearsay.

2 THE COURT: Overruled.

3 A -- like learning different things.

4 I remember at one point he was going to Peru for
5 ayahuasca retreat and that, like, the staff of OneTaste was
6 really discouraging of that, like he was getting off path, and
7 -- yeah. That it was often encouraged to like stay in this
8 community.

9 Q Who specifically discouraged Rami from participating in
10 this trip to Peru, if you remember?

11 A I don't remember specifically. I remember being told by
12 somebody at OneTaste.

13 MS. BONJEAN: Objection. Hearsay.

14 MS. FARRELL: It's okay. There wasn't a question
15 spending pending. I will move on.

16 THE COURT: Okay. Go ahead.

17 Q Did there come a time when you became an employee of
18 OneTaste?

19 A Yes.

20 Q And approximately when was that?

21 A It was toward the end of my time there. So I want to say
22 like the end of -- end of -- like late summer, early fall of
23 2017.

24 Q If I showed you a document, would that potentially
25 refresh your recollection?

Keves - direct - Farrell

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1 A Yeah.

2 MS. FARRELL: May I use the ELMO for the witness
3 only, please.

4 For the witness only, I'm showing what has been
5 marked Government Exhibit 2677.

6 Q If you could just take a look at this.

7 A Okay. Yes.

8 Q So, does this document refresh your recollection about
9 approximately when you became an employee of OneTaste?

10 A Yes.

11 Q And approximately when did you become an employee?

12 A August of 2017.

13 Q Was it late August or early August, if you know?

14 A Late.

15 Q So before you became an employee of OneTaste in August
16 2017, did there come a time when you began doing work for
17 OneTaste?

18 A Yeah, I did a lot of volunteer work.

19 Q Approximately when did you start volunteering for
20 OneTaste?

21 A I don't remember. Yeah, I'm not sure.

22 Q In terms of your time, your year there, was it on the
23 earlier side or on the latter side?

24 A I would say it was on the earlier side, yeah.

25 Q And what kind of tasks did you perform?

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1 A So, we would like go before an event and set up chairs,
2 cut fruit, get everything kind of organized for the class or
3 the event. Yeah.

4 Q And at that time, what were you doing for a living
5 outside of OneTaste?

6 A I had just stopped officially taking care of my nieces,
7 so I was a nanny for my sister. But when I started OneTaste,
8 I had stopped working for my sister.

9 Q So were you working to earn money at any job at the time?

10 A No.

11 Q When you were doing this work, not when you were a
12 technical employee, but when you were doing these tasks for
13 OneTaste, what were your typical hours?

14 A It would be an all day-event, start early, finish late.

15 Q Specifically, when, for example, when you say start
16 early?

17 A One time we were supposed to flyer at like five o'clock
18 in the morning.

19 Q And then how late would you be volunteering or working?

20 A It could have been anywhere. From, I think, like even
21 9:00, 10:00, 11 o'clock at night.

22 Q And when you were doing this work before you became a
23 paid employee, who was your supervisor?

24 A I guess it would have been Aubrey Fuller.

25 Q And during this time, did you ever interact with Rachel

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1 Cherwitz?

2 A Yes.

3 Q And what role, if any, did she have in sort of managing
4 or supervising you as a volunteer?

5 A She was always one of the kind of senior teachers. And,
6 so, there were times where if she was teaching the course, she
7 would have been involved in kind of what the volunteers were
8 doing.

9 Q And you described that at your first OneTaste event you
10 were treated with a lot of positivity. Did that continue?

11 A No. It didn't stay that way for sure.

12 Q I'm sorry, what?

13 A It didn't say that way, no --

14 Q At what point did it change?

15 A -- consistently.

16 Well, my first experience of that changing was what
17 Rachel said to me at the New Year's Eve retreat, but then it
18 was, you know, kind of sprinkled throughout my time there.

19 So, other OneTaste employees would, you know --

20 MS. BONJEAN: Objection.

21 THE COURT: She needs to be able to get more than a
22 word out.

23 MS. BONJEAN: I think there was enough to lay a
24 foundation.

25 THE COURT: Overruled. You should continue.

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1 THE WITNESS: Okay.

2 A So other OneTaste employees would like yell at me. I got
3 yelled at once from Rami.

4 MS. BONJEAN: Objection to the foundation.

5 THE COURT: Overruled.

6 A -- not -- that I was so clingy that he couldn't
7 spiritually evolve. That was often the theme of me getting
8 yelled at, that I was -- I was like holding him back by
9 wanting to be monogamous.

10 Q At your early stages at OneTaste, did you share with the
11 other participants at OneTaste what your goals and desires
12 were professionally?

13 A Yes.

14 Q What were those?

15 A So I attended the coaching program thinking that it was
16 like a legitimate coaching program on -- and what I wanted to
17 do was help women with recovering from eating disorders, with
18 their relationship to food and their bodies.

19 Q And did you have a personal experience in that area?

20 A Yeah.

21 Q What was it?

22 A I had, before OneTaste, struggled with an eating disorder
23 and then recovered, and I wanted to help other women do the
24 same.

25 Q And did you share your own background, your struggles

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1 with an eating disorder and your recovery with the people at
2 OneTaste?

3 A Yeah.

4 Q During that time there, did you come to know the leaders
5 of OneTaste?

6 A Yes.

7 Q I would like to go through some photos with you.

8 MS. FARRELL: If we can switch to the computer,
9 please. And these are all in evidence. If we can start by
10 showing the witness Government Exhibit 306, please.

11 Q Do you recognize this person?

12 A That's Nicole Daedone.

13 Q What was her -- you have already testified about her
14 role.

15 Let's move to Government Exhibit 309, please.

16 A That's Rachel Cherwitz.

17 MS. FARRELL: If we could show the witness
18 Government Exhibit 249.

19 Q Who is this?

20 A I know her face, but I can't recall her name.

21 MS. FARRELL: If we could put it back up on the
22 screen, please. Sorry. This is in evidence, and if we could
23 have it up on the screen, please.

24 THE COURT: If you will just give us a moment while
25 we check.

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1 MS. FARRELL: I'm sorry. 201.

2 Q Do you recognize this person?

3 A Yes, but I don't remember her name.

4 Q Do you remember her role at the time?

5 A She was -- seemed to be very close with Nicole Daedone.

6 Q What is that based on?

7 A When I was on The Land, she would often be walking with
8 Nicole or sitting next to her eating.

9 Q What is The Land?

10 A It was like a retreat center in northern California where
11 they held a lot of classes and retreats.

12 Q I would like show you Government Exhibit 211.

13 Do you recognize this person?

14 A Yes.

15 Q Who is it?

16 A I can't remember her name either.

17 Q Do you -- what was her role at OneTaste at the time you
18 were there?

19 A She was also very high up. Like she would be at
20 intensives where Nicole was present or like teaching more
21 intensive courses.

22 Q What about Government Exhibit 290, do you recognize this
23 person?

24 A Yes.

25 Q Who is this?

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1 A Also high up in the organization and would teach and was
2 close with Rachel and Nicole.

3 Q Do you remember her name?

4 It's okay if you don't.

5 A I don't.

6 MS. FARRELL: If we can next show the witness
7 Government Exhibit 242.

8 Q Do you recognize this person?

9 A Yes, that's Eli Block.

10 Q And who was he?

11 A He was one of the teachers at OneTaste.

12 Q When you say one of the teachers, was he -- was he at an
13 executive level of the company or know from your perspective?

14 A He definitely seemed higher up.

15 MS. FARRELL: If we can next show Government Exhibit
16 302, please.

17 Q Do you recognize this person?

18 A Yes. That's Maya Block.

19 Q When you say Block, she had the same last name as the
20 last person you looked at. Was there any relationship there?

21 A They were married.

22 Q What was Maya Block's role at OneTaste while you were
23 there?

24 A She was also led like a teacher, would lead classes.

25 MS. FARRELL: If we can show the witness, please,

Keves - direct - Farrell

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1 Government Exhibit 281.

2 Q Do you recognize this person?

3 A Yes.

4 Q Who is this?

5 A Her name I think was also Rachel. I don't know her last
6 name, but also pretty high up.

7 MS. FARRELL: If we can show the witness Government
8 Exhibit 221.

9 Q Do you recognize this person?

10 A No.

11 MS. FARRELL: If we could show the witness
12 Government Exhibit 292.

13 Q Do you recognize this person?

14 A That's Aubrey Fuller.

15 Q And did you testify earlier about Aubrey Fuller?

16 A Yes.

17 Q Just remind us who she is?

18 A She was the one who suggested I open a credit card.

19 Q What was her role at OneTaste at the time you were there?

20 A She was in charge of the New York location, I believe.

21 MS. FARRELL: Then if we could show you Government
22 Exhibit 290, please. Oh, I'm sorry. Excuse me. 284.

23 Q Do you recognize this person?

24 A No.

25 MS. FARRELL: We can take that down.

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1 Q So you testified earlier that at some point you joined
2 the staff of OneTaste?

3 A Uh-hum.

4 Q What -- how did that come to be?

5 A So, I was living with Rami and his lease was up, and we
6 were looking for apartments, and Aubrey Fuller suggested we
7 come have dinner at the staff house. And then we were like
8 invited to live in the staff house at that time, even though
9 we weren't yet staffed.

10 Q And do you remember approximately when that was that you
11 moved into the staff house?

12 A It was probably -- so if I started working there the end
13 of August, it was probably either July or the beginning of
14 August.

15 Q Where was the staff house located, approximately?

16 A In the East Village, so it was 10th and Second.

17 Q So, we will get to living in the staff house shortly.

18 But did there come a time then when you became an
19 employee of OneTaste?

20 A Yes.

21

22 (Continued on next page.)

23

24

25

L. Keves - Direct/Ms. Farrell

2991

1 EXAMINATION BY

2 MS. FARRELL:

3 (Continuing.)

4 Q When did that happen?

5 A End of August 2017.

6 Q And how did it come to be that you became an employee
7 of One Taste?

8 A I don't remember who suggested it but we were living in
9 the staff house and then it was, you know, almost like an
10 invitation to come and work there.

11 Q And did you receive a document sort of memorializing
12 that you were becoming an employee?

13 A Yes.

14 MS. FARRELL: If I could show the witness only,
15 please, what's marked as Government Exhibit 3770.

16 Q Do you recognize this do you mean, Ms. Keves?

17 A Yes.

18 Q What is it?

19 A It's an e-mail offering me a position at One Taste.

20 Q And is this a true and accurate copy of the document
21 sent, you know, provided by One Taste?

22 A Yes.

23 Q Where you became an employee?

24 A Yes.

25 MS. FARRELL: Your Honor, I move to admit

L. Keves - Direct/Ms. Farrell

2992

1 Government Exhibit 3770 into evidence.

2 MR. ROBOTTI: No objection.

3 MS. COHEN: No objection.

4 THE COURT: Government Exhibit 3770 is admitted.

5 (Government's Exhibit 3770 was marked in
6 evidence.)

7 Q So looking at this document -- and we can publish it to
8 the jury, please -- what was your hourly wage?

9 A \$10.50.

10 Q What is date of this letter?

11 A August 23, 2017.

12 Q And it says you were an ITO Specialist on the second
13 line.

14 Do you know what that is?

15 A I don't remember.

16 Q What was your actual job putting aside whatever ITO
17 Specialist is?

18 A I was basically doing the same thing that I was doing
19 when I volunteered. Kind of back-of-house things. But this
20 time I was, like, encouraged to try and sell courses.

21 Q We can put that aside.

22 Were you a full-time or part-time employee?

23 A Full-time. I mean, I was there full-time, I don't know
24 how much I was officially working full-time. I don't
25 remember.

L. Keves - Direct/Ms. Farrell

2993

1 Q And you seem confused, why is that?

2 A Because I was always there and, like, there were very
3 little boundaries around work hours.

4 Q Were there other members of the sales team besides you?

5 A Yes.

6 Q Who were they?

7 A Well, Rami, also around the same time, it was hard to
8 know who was working for One Taste and who was just there
9 volunteering.

10 So in New York -- oh, a woman named Ally Wall was on
11 the sales team. She was -- Keenan -- Keegan, a man.
12 Another woman named Rachel Short. Ally Montgomery. Her
13 husband lived in the house but I don't know if he was
14 working for One Taste.

15 Q Earlier, we looked at pictures of Maya Gilbert Aubrey
16 Fuller and Rachel Cherwitz.

17 Were any of them involved in sales in New York?

18 A Yes.

19 Q And how were each of them involved?

20 A So Rachel and Aubrey were very involved in the sales in
21 New York.

22 And Maya Gilbert is Maya Block, right.

23 Q Sorry, Maya Block.

24 A So she was there less often. I think she was more in
25 at the L.A. office but then would sometimes be in New York.

L. Keves - Direct/Ms. Farrell

2994

1 Q So how did the members of the sales team typically
2 communicate?

3 A There were WhatsApp groups and then also we lived
4 together in the house, so face-to-face and WhatsApp groups.

5 Q And how frequent were the WhatsApp messages when you
6 were on the sales team?

7 A Very frequent.

8 Q And were there any expectations around your timeliness
9 in responding to messages?

10 A I don't remember explicit instructions to respond in a
11 certain manner, or a certain time, but it was encouraged to,
12 like, always stay connected.

13 Q Was that a phrase used?

14 A Yeah.

15 Q Who was your direct supervisor?

16 A I guess that would have been Aubrey Fuller, I think.

17 Q And did you report to Rachel Cherwitz as well?

18 A When she was living in the house, yeah.

19 Q Were you encouraged to dress a particular way?

20 A Yes.

21 Q And what was that?

22 A Sexy.

23 Q And who encouraged you to dress sexy?

24 A Rachel, among other staff members.

25 Q And what did that mean concretely to be dressing sexy?

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1 A Like, black short skirt, high heels. Like, have your
2 hair done, put yourself together.

3 Q Did you engage in sales training as part of your job?

4 A Yes.

5 Q And, at the time that you worked there, were you
6 familiar with the One Taste sales culture?

7 A Getting more and more familiar, yeah, as I worked
8 there.

9 Q What was the sales culture at One Taste?

10 A Very high-pressure sales culture.

11 Q And, generally speaking, did you seek out particular
12 types of customers for sales?

13 A So everybody -- there was a, like, a spreadsheet on
14 whoever was attending the course. So, yeah, they knew,
15 like, who was more likely.

16 MR. ROBOTTI: Objection to "they knew"?

17 THE COURT: It's sustained that last sentence.

18 Q So what did you know when you were on the sales side?
19 What sort of information would you have when you were
20 setting up to sell a course?

21 A Like what people did for a living. What their goals
22 were. How likely people were to sign up for something.

23 Q And where did that information come from, if you know?

24 A Well, there were calls, like, before a course, if you
25 were enrolled, you would often get a call from some staff at

L. Keves - Direct/Ms. Farrell

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1 One Taste asking you questions.

2 Q And how is that information stored or recorded?

3 A They had a spreadsheet for each course and for each
4 student or person attending the course, there was
5 information about them.

6 Q And did the information that was gathered including,
7 like, past trauma that people had?

8 MS. BONJEAN: Objection to the leading.

9 MR. ROBOTTI: Join.

10 THE COURT: Sustained.

11 Q What sorts of information was solicited in these
12 pre-calls?

13 A It was, you know, we knew what people's goals were.
14 What they were hoping to get out of the course. And so, you
15 know, in the kind of communication events, for example,
16 people were encouraged to be really open and vulnerable as a
17 way to connect with other people. And so, when people were
18 volunteering, if they were chatting with someone and got
19 information, it was all shared, kind of, after the course as
20 a debrief. So there was kind of, like, an ongoing
21 collection of information about people.

22 Q And how, if at all, was that used to sell people
23 courses?

24 A So if somebody had said that they wanted to help women
25 recover from eating disorders, it was --

L. Keves - Direct/Ms. Farrell

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1 MR. ROBOTTI: Objection to the hypothetical.

2 THE COURT: Sustained.

3 Ask your next question.

4 Q In your experience, how have you used the information
5 collected to try to make a sale?

6 A So I knew what they were hoping to get out of the
7 course. And so, kind of hone in on that kind of weakness or
8 goal or desire to in hopes that they would buy the course.

9 Q And who, if anyone, taught you how to do that?

10 A There were, like, sales trainings.

11 Q Did you ever hear the phrase "VIP" being used?

12 A Yeah.

13 Q In relation to what?

14 A It's like people who were more, like, often buying
15 courses or, like, more likely that they would buy a course.

16 Q And were there particular types of people that you were
17 looking to target for sales?

18 A I mean, it was anybody who attended the course. We
19 were -- they were hoping to have them buy another course.
20 But, certainly, we knew who made more money and what people
21 did for a living.

22 MR. ROBOTTI: Objection to foundation.

23 THE COURT: Overruled.

24 Q So we talked about the sales culture, I want to talk
25 about the supervision culture.

L. Keves - Direct/Ms. Farrell

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1 Are you familiar with what the supervision culture of
2 the sales team from your experience?

3 A Like the -- yeah, the supervisors, yes.

4 Q And how were you treated as an employee by your
5 supervisors?

6 A Not well. I mean, it was, like, Aubrey Fuller was my
7 direct supervisor, I guess. And one, you know, the morning
8 that we were supposed to be out flyering from 5:00 o'clock
9 in the morning another woman and I -- oh, another woman who
10 worked and lived in the house Marla, I believe. She and I
11 were out flyering and we came back to have breakfast before
12 the class started and Aubrey told us that we couldn't eat
13 because we were, like, slowing down the flow of energy, so
14 we weren't allowed to eat our breakfast before the course.

15 Q Do you recall any specific times where you were staff
16 on an event and it wasn't going well?

17 A Yes.

18 Q And was Rachel Cherwitz there?

19 A Yes.

20 Q What happened?

21 A So there was an event that I was working the
22 back-of-house along with several other people, and Rachel,
23 she wasn't making sales. The way that it worked is they
24 would have people, they would, like, take one person at a
25 time behind a, like, a curtain and talk with them and try to

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1 get them to buy another course and nobody was buying. And
2 so, Rachel took us, all of the volunteers or all of the
3 staff, a combination of the staff and volunteers, into the
4 kitchen and berated us for, like, not doing our jobs well.
5 But most of that was directed toward me because Rami was
6 supposed to be, like, running kind of the show, running the
7 back-of-house, and he wasn't doing a good enough job because
8 I had my -- I wasn't -- I was so clingy.

9 Q Who specifically said that to you?

10 A Rachel Cherwitz.

11 Q What was the tone with which she said this?

12 A Cruel, abusive.

13 Q Did she raise her voice at you?

14 A Yeah.

15 Q Are you familiar with the word tumescents?

16 A Yes.

17 Q How, if at all, was tumescents tied to sales?

18 A My understanding of it was kind of like it being used
19 as a way to kind of refer to the energies. So the clogging
20 or stuffiness of the energy. Things weren't flowing if you
21 were tumescd.

22 Q So you talked about moving into the One Taste residence
23 shortly before becoming an employee.

24 Can you describe the layout of the residence?

25 A Yeah. There were, I think, five bedrooms, one common

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3000

1 room, two bathrooms, a small kitchen, and then two people to
2 a room.

3 Q And who did you share a room with?

4 A Rami.

5 Q Did you Om at the residence?

6 A Yes.

7 Q Describe that?

8 A So every morning there would be, like, group Om at the
9 residence. So, in the living room, everybody in a circle
10 together would do the practice.

11 Q Did you pay rent?

12 A Yes.

13 Q How much did you pay?

14 A I honestly don't remember because Rami paid it. So I
15 guess I didn't pay rent, Rami did.

16 Q Did you purchase your own food?

17 A I don't remember.

18 Q Okay. Are you familiar with the exercise of completing
19 a fear inventory?

20 A Yes.

21 Q What is that?

22 A So we were -- they did it at events but also it was
23 encouraged -- we did it at the house, too, where you sit and
24 you write a list of everything that you're afraid of.

25 Q And who did you share -- did you share your fear

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3001

1 inventory?

2 A Yes. So you were then supposed to partner with
3 somebody and share your list.

4 Q And who would you typically share your list with?

5 A One of the other staff members.

6 Q So I'd like to talk to you about some of the sort of
7 concepts one at One Taste.

8 Did any One Taste leaders discuss with you how you
9 should approach orgasmic meditation?

10 A Yes.

11 Q And who had those discussions with you?

12 A Some of the staff. I remember Marissa Ward was on the
13 staff as well. Specifically, yeah, a lot of the staff had,
14 like, ideas of how to should be done.

15 Q Okay. Was Omming ever discussed at any of the courses
16 that you took?

17 A Yes.

18 Q And what was -- what teachings were there with respect
19 to orgasmic meditation with respect to those?

20 MS. BONJEAN: Objection to foundation and vague.

21 THE COURT: Sustained.

22 Q At the time you started at One Taste and sort of your
23 initial coursework, was there any teachings on monogamy in
24 particular?

25 A The kind of official stance seemed to be --

L. Keves - Direct/Ms. Farrell

3002

1 MS. BONJEAN: Objection to --

2 THE COURT: Yes, sustained.

3 Q I just want to know what, if anything, you witnessed
4 being taught about monogamy at your early days at One Taste?

5 A So that was it was an advanced practice.

6 Q What does that mean?

7 A So until you were ready for it, that you should
8 be -- you should, like, open up your orgasm, open up your
9 sex, get messy, and, yeah, I was not ready for it
10 apparently.

11 Q And who taught that?

12 A One Taste staff.

13 Q Was there a particular language people at One Taste
14 used?

15 A Yeah.

16 Q Are you familiar with the term "aversion" as it was
17 used at One Taste?

18 A Yes. They talked about something called an aversion
19 practice.

20 Q What was that?

21 A People were encouraged to do things that they had an
22 aversion to, like, Om was somebody they found repulsive or
23 have sex with somebody that they weren't attracted to.

24 Q Are you familiar with the term "victim mindset" as it
25 relates to One Taste?

L. Keves - Direct/Ms. Farrell

3003

1 A Yes.

2 Q What does that mean?

3 A There were --

4 MS. BONJEAN: I'm going to object to the form of
5 that question.

6 THE COURT: Sustained.

7 Q What did you learn victim mindset meant from your being
8 a student at One Taste?

9 MR. ROBOTTI: Objection to foundation.

10 THE COURT: Overruled.

11 A It was talked about a lot in courses and communication
12 classes. Just that it was talked about the victim triangle.
13 So you were either a victim, a witness, or a perpetrator.

14 Q And what did that mean?

15 A So the victim was somebody who, like, couldn't take
16 responsibility for what was happening to them.

17 Q And what about the witness and the perpetrator?

18 A The witness was the observer. So we would often be
19 paired or, like, grouped into three and you would have some
20 sort of, like, scenario. So one person was observing, one
21 person was kind of the perpetrator or, like, giving insights
22 or something and then the victim was the person who if you
23 couldn't --yeah, there was the victim that was labeled as
24 weak or unable to take responsibility for their
25 circumstance.

L. Keves - Direct/Ms. Farrell

3004

1 Q Are you familiar with the term "turned on"?

2 A Yes.

3 Q What did that mean in the One Taste context?

4 A It could mean sexually but it didn't -- it wasn't
5 limited to that. It was kind of like a catch-all for, like,
6 if a woman was in her power, charismatic or, yeah.

7 Q Are you familiar with the term "stroke"?

8 A Yes.

9 Q What did that mean?

10 A Again it could mean like literally stroking the
11 clitoris or they also used it as like if you, you know,
12 people were giving insights or saying something to you that
13 could be considered like a stroke.

14 Q Was there a One Taste word for the concept of a trend?

15 MS. FARRELL: I'll withdraw.

16 A I'm not sure.

17 Q Did you begin using this vocabulary while you were
18 there?

19 A Yeah.

20 Q And how, if at all, did this vocabulary affect your
21 life?

22 MS. BONJEAN: Objection to that the vagueness of
23 that question.

24 THE COURT: Sustained.

25 Q How did your implementing this vocabulary affect your

L. Keves - Direct/Ms. Farrell

3005

1 ability to communicate with others?

2 A It was definitely the -- kind of made One Taste feel
3 like its own little world, all of the language and lingo
4 that was used there. Yeah, it was like learning a new
5 language.

6 Q Did you ever hear the phrase "turning no into a yes"?

7 A Yes.

8 Q What does that mean?

9 A It was like one of the kind of sales tactics on the
10 sales team.

11 Q Were you instructed at One Taste regarding consent?

12 A Yes.

13 Q And what, if any, teachings at One Taste were you given
14 about consent?

15 A Well, there was the idea that desire is co-occurring.
16 So if somebody has a desire about you then you also
17 have -- you must also have that same desire. And so, the
18 idea was, like, well, if you're there, you chose to be here,
19 so you consented. You signed the form beforehand so you
20 consented.

21 MS. FARRELL: So I would like to show the witness
22 only, please, what's marked as Government Exhibit 3239,
23 please.

24 Tab 3 in your binder, Judge.

25 THE COURT: Thank you.

L. Keves - Direct/Ms. Farrell

3006

1 Q You mentioned consent forms. Do you see the document
2 in front of you?

3 A Yes.

4 Q Do you recognize this?

5 A Yes.

6 Q What is it?

7 A It's a release of liability and course agreement.

8 Q And if you could go to the last page and take a look.
9 Do you recognize this, Ms. Keves?

10 A Yes.

11 Q Is this a true and accurate copy of a consent form you
12 signed?

13 A Yes.

14 MS. FARRELL: Your Honor, I move to admit
15 Government Exhibit 3239 into evidence.

16 MR. ROBOTTI: No objection.

17 THE COURT: I didn't hear you, Ms. Bonjean.

18 MS. BONJEAN: No objection.

19 THE COURT: Okay. Do you intend to be redacting
20 the birth date?

21 MS. FARRELL: Yes, Your Honor. And if we could
22 just -- I see, yes.

23 THE COURT: Is there any objection to a redaction
24 of the birth date?

25 MR. ROBOTTI: No, Your Honor.

L. Keves - Direct/Ms. Farrell

3007

1 MS. BONJEAN: Objection.

2 THE COURT: Are you offering this as redacted to
3 omit the birth date.

4 MS. FARRELL: Correct.

5 THE COURT: Government Exhibit 3239 is admitted as
6 redacted to remove the birth date.

7 (Government's Exhibit 3239 was marked in
8 evidence.)

9 MS. FARRELL: If we could publish, please, and go
10 to the top of the first page.

11 (Exhibit published.)

12 Q So what is the date of this document?

13 A November 22, 2016.

14 Q Is this the -- a consent form that you filled out for
15 the coaching program that you first took?

16 A Yes.

17 Q And so, you described how there was discussion or
18 teachings around, you know, you signed a consent form. So
19 tell us more about those teachings?

20 A Yeah, so, I guess it was often kind of used to shut
21 down, like, objections or, like, if people were conflicted
22 with what was going on.

23 MR. ROBOTTI: Objection, foundation.

24 THE COURT: Sustained.

25 Q Did you sign a series of consent forms like this for

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3008

1 all the courses you took at One Taste?

2 A Yes.

3 Q And did you ever have discussions, or were part of a
4 class, where Rachel Cherwitz or Nicole Daedone, in
5 particular, discussed the consent forms?

6 A I don't remember.

7 Q Were you ever in any courses where a member of upper
8 One Taste staff discussed the consent forms?

9 A I don't remember the consent forms being discussed
10 explicitly.

11 Q Well, I think you testified earlier that they were
12 referenced in connection with consent; is that correct?

13 A Well, yeah. So the kind of culture around it was.

14 MS. BONJEAN: Objection.

15 MR. ROBOTTI: Objection.

16 MS. BONJEAN: I object to that.

17 THE COURT: Sustained.

18 Q Was there a culture around discussing consent forms at
19 One Taste?

20 MR. ROBOTTI: Same objection.

21 MS. BONJEAN: Same objection.

22 THE COURT: Sustained.

23 Q Did you ever --

24 MS. FARRELL: Well, withdrawn. We can take this
25 down.

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3009

1 Q Did you attend courses taught by Nicole Daedone?

2 A Yes.

3 Q Approximately how many?

4 A At least two or it was -- she was specifically -- there
5 were more, at least three. One, I was, like, watching the
6 circle or, like, in the back-of-house but I wasn't in
7 the -- in, like, the participants. Two where I was
8 definitely in, like, there was a Nicole Daedone coaching
9 circle and then an intensive. And she was also at, like,
10 some of the -- or at least one of the coaching or the
11 coaching program ones.

12 Q So for the Nicole Daedone intensive, what was the
13 general curriculum?

14 A I don't remember there being a curriculum. It was,
15 like -- it was more like people came with questions for her
16 and she -- people would sit in kind of, like, a half circle
17 and she would be at the front. And she would, you know,
18 take turns giving insights or talking with each person who
19 paid to be there to talk with her.

20 Q Do you recall approximately how much money it cost for
21 you to go to the Nicole Daedone intensive?

22 A I don't remember but I'm pretty sure it was ten --

23 MS. BONJEAN: I'm going to object to the
24 speculation.

25 THE COURT: Overruled, she's not speculating.

L. Keves - Direct/Ms. Farrell

3010

1 Overruled.

2 A Tens of thousands of dollars.

3 Q Did you pay for that or did Rami pay for that?

4 A Rami paid for that.

5 Q And so, why were you willing to pay tens of thousands
6 of dollars to sit in a circle and have Nicole Daedone give
7 you feedback?

8 A She was kind of presented as this all-knowing figure.
9 This person, you know, who had the luxury of sitting at her
10 feet and she would tell you something about yourself.

11 Q Do you recall her --

12 MS. FARRELL: Well, withdrawn.

13 Q Are you familiar with a place called The Land?

14 A Yes.

15 Q You testified about that earlier, correct?

16 A Yes.

17 Q Have you ever been there?

18 A Yes.

19 Q And just remind the jury what is The Land?

20 A It's a retreat center in northern California. So there
21 were, like, cabins and common rooms and places, like, where
22 they held classes and courses.

23 Q And why did you go there?

24 A For, I think, it was the intensives. But there were --
25 I was there at least twice.

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3011

1 Q Did you also attend an L.A. intensive at one point?

2 A Yes.

3 Q Do you recall what kind of course that was?

4 A I don't remember the title of it but Nicole was
5 teaching it.

6 Q Did there come a time you got engaged to Rami?

7 A Yes, at that event.

8 Q Okay. Explain to us what happened?

9 A It was one of the, I think it was a weekend-long
10 course. And during the coaching program, or during the
11 circle, Rami proposed after another couple had already,
12 like, another couple had gotten engaged there the day before
13 and then he proposed. And I honestly don't remember it was,
14 like, his turn to talk and he got up and got down on one
15 knee and he had been talking with Nicole but I don't really
16 remember the exchange.

17 Q Okay. So let's back up. Approximately when were you
18 in L.A. for this course?

19 A I think that one was July.

20 Q Of what year?

21 A Of 2017.

22 Q Okay. And how long have you and Rami been dating at
23 that point?

24 A It would have been six, seven months.

25 Q Had you talked about getting engaged?

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3012

1 A Yeah.

2 Q Were you expecting to get engaged at this event?

3 A I don't remember. That wasn't, like, the plan or I
4 didn't know that that was going to happen at that event.

5 Q And so, describe to us in detail like what actually
6 happened at the event?

7 A So it was a -- I don't remember if it was for just
8 staff or who -- I don't think it was just staff but it was
9 in L.A., it was an intensive course, Nicole was teaching it.
10 And she would go around and talk with each -- like, each
11 person got a turn to talk with her. And when it was Rami's
12 turn to talk with her, he got up, and got down on one knee
13 and after chatting -- I think.

14 THE COURT: I'm sorry, was there an objection?

15 MS. BONJEAN: No.

16 THE COURT: Okay.

17 Q Let me ask a question. You mentioned that another
18 couple had gotten engaged?

19 A Yeah.

20 Q And describe that?

21 A So, from my memory, it was the woman, I can't remember
22 her name, she was talking with Nicole about desire.

23 MS. BONJEAN: Objection to the hearsay.

24 THE COURT: Response, Ms. Farrell.

25 MS. FARRELL: I don't think she is going to say

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3013

1 the statement she is just saying the topic.

2 MS. BONJEAN: She already did.

3 MR. ROBOTTI: The topic.

4 THE COURT: Yes, sustained.

5 Q So describe to us how this couple got engaged without,
6 you know, saying what their statements were, please?

7 A So she was asked, like, if it was her desire to.

8 MS. BONJEAN: Objection.

9 Q Who asked her?

10 A Nicole.

11 Q Okay. So Nicole Daedone asked this woman something.
12 What did she ask her?

13 A Something along the lines of, like, did she desire to
14 marry this other person.

15 THE COURT: I'm going to overrule that last
16 objection.

17 MS. FARRELL: Thank you, your Honor.

18 Q So what happened after Nicole asked this woman about
19 her desire?

20 MS. BONJEAN: Now I'm going to object again, your
21 Honor.

22 THE COURT: Are you asking for a conversation or
23 are you asking just...

24 MS. FARRELL: Just what happened.

25 THE COURT: Overruled.

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3014

1 A Okay. So she said yes.

2 MS. BONJEAN: Objection to the conversation.

3 THE COURT: Yes, sustained.

4 Q I know it's confusing. Just say what you saw happened
5 without reference to what people said?

6 A They got engaged.

7 Q Right after that Q and A with Nicole?

8 A Yes, right there. He went and got a ring right after
9 that and they got engaged.

10 Q Did the proposal happen in front of the group?

11 A I don't remember. I think so.

12 Q Did your proposal happen in front of the group?

13 A Yes.

14 Q And was it before or after the other couple got
15 engaged?

16 A He after.

17 Q And was Nicole Daedone there?

18 A Yes.

19 Q Were there other discussions around marriage during
20 the -- during this event?

21 A Not that I remember. There wasn't specific, like,
22 topic. It wasn't may specific topic.

23 Q Okay. During your time at One Taste in 2017, were
24 there other One Taste couples that were getting engaged or
25 married?

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3015

1 A Yes.

2 Q Approximately how many?

3 A Just the time that I was there, I know one couple got
4 married, like, at an event. Yeah, and then...

5 Q What do you mean they got married at an event?

6 A I wasn't there but my understanding was --

7 MS. BONJEAN: Objection.

8 THE COURT: Sustained.

9 Q Did you learn that a couple got married at the end of a
10 One Taste event or during a One Taste event?

11 A Yes.

12 Q How did you learn that?

13 A They told me. They were living --

14 MS. BONJEAN: Objection.

15 A -- living in the staff house.

16 THE COURT: Response, Ms. Farrell.

17 MS. FARRELL: I'll ask it a different way.

18 THE COURT: I'll sustain the objection.

19 Q Did people that you were living with get married while
20 you were living there?

21 A Not while I was living there, before.

22 Q Okay. So when you moved in, were they a married
23 couple?

24 A Yes.

25 Q And were you aware that they had not been married at

L. Keves - Direct/Ms. Farrell

3016

1 some time before that?

2 A Yes.

3 Q Okay. Was either -- was Ms. Cherwitz married at the
4 time?

5 A When I first started, yes.

6 Q To who?

7 A Hamza Tayeb, I think was his name.

8 Q Was Nicole Daedone married at all while you were there
9 at One Taste?

10 A While I was there, she was in a relationship but I
11 don't think they were married.

12 Q And when you say "in a relationship," what was your
13 understanding of the nature of their relationship?

14 MS. BONJEAN: Objection, vague.

15 MR. ROBOTTI: Objection.

16 MS. BONJEAN: And foundation.

17 THE COURT: Sustained. You can ask your next
18 question.

19 Q Did there come a time when Nicole Daedone sold her
20 interest in the company while you were there?

21 MR. ROBOTTI: Objection, foundation.

22 MS. BONJEAN: Objection, foundation.

23 THE COURT: Sustained.

24 Q While you were an employee of One Taste, were you
25 provided information about the ownership of the company?

L. Keves - Direct/Ms. Farrell

3017

1 MR. ROBOTTI: Objection, hearsay.

2 THE COURT: Overruled.

3 A Yes.

4 Q Were you aware, generally, of who was in charge of the
5 company and who owned it?

6 A Yes.

7 Q And did there come a time when that changed?

8 A Yes.

9 Q And how did you learn that?

10 A So, Nicole and Rachel, it was an announcement made at
11 one of the events. I think it was the same event where Rami
12 and I got engaged.

13 Q And what was the announcement?

14 A That she was selling the company to Anjuli and Austin
15 Ayer.

16 Q I'd like to show you what has been marked as Government
17 Exhibit 315.

18 THE COURT: Ms. Farrell, in the next five to
19 ten minutes I would, like to take a break.

20 MS. FARRELL: Let me do two photos and then we can
21 take a break.

22 THE COURT: That's fine.

23 Q Ms. Keves, do you recognize this photograph?

24 A Yes.

25 Q Who is it?

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3018

1 A Anjuli Ayer.

2 Q Is it a true and accurate photograph of her?

3 A Yes.

4 MS. FARRELL: Your Honor, I move to admit
5 Government Exhibit 315 into evidence.

6 THE COURT: Any objection?

7 MR. ROBOTTI: No objection.

8 MS. BONJEAN: No objection.

9 THE COURT: Government Exhibit 315 is admitted.
10 (Government's Exhibit 315 was marked in evidence.)

11 MS. FARRELL: If we could publish that.

12 (Exhibit published.)

13 Q So who is this person?

14 A Anjuli Ayer.

15 Q What is her role respect to Nicole Daedone selling the
16 company?

17 A My understanding was that she, Nicole, sold the company
18 to Anjuli Ayer.

19 Q If we can take a look at Government Exhibit 230,
20 please, only for the witness.

21 Do you recognize this person?

22 A Yes.

23 Q Who is this?

24 A That's Austin Ayer.

25 Q Is this a true and accurate photograph of Austin Ayer?

L. Keves - Direct/Ms. Farrell

3019

1 A Yes.

2 MS. FARRELL: Your Honor, I move to admit
3 Government Exhibit 230 into evidence.

4 THE COURT: Any objection?

5 MR. ROBOTTI: No objection.

6 MS. BONJEAN: No objection.

7 THE COURT: Government Exhibit 230 is admitted.

8 (Government's Exhibit 230 was marked in evidence.)

9 MS. FARRELL: If we could publish that, please.

10 (Exhibit published.)

11 Q Who is Mr. Ayer with respect to Nicole Daedone
12 announcing she was selling the company?

13 A I believe he was also -- she was selling it to both
14 Anjuli and Austin Ayer.

15 Q To your knowledge, what was their relationship with
16 each other?

17 A Brother and sister.

18 MS. FARRELL: Your Honor, now would be a good time
19 to take a break.

20 THE COURT: Okay. The witness may step down.

21 (Witness leaves the witness stand.)

22 THE COURT: We'll come back at 11:25. Don't talk
23 about the case, keep an open mind, and I'll see you in
24 15 minutes.

25 (Jury exits courtroom at 11:11 a.m.)

Proceedings

3020

1 THE COURT: I'll let you take day break but let me
2 just mention some of the redactions on the documents.

3 It's not enough to just simply redact on the
4 screen. If you are offering a document, it has to be clear
5 if you're offering the whole document or if you're offering
6 the redaction. I would encourage everybody to be very
7 careful with personally identifiable information. To the
8 extent you are seeking to admit that, that's fine, but to
9 the extent you just haven't noticed it, or you think you can
10 just redact it on the screen, you're going to have to do
11 things differently.

12 MS. FARRELL: Understood. I didn't notice it, I
13 apologize.

14 THE COURT: You all have to notice it. It's
15 really not for me to be noticing what you should be
16 noticing. But I did notice it, and so, I mentioned it. But
17 I think everyone has to be very careful. I'm not saying
18 that personally identifiable information might not come in
19 if there's a reason for it but I don't think that's what
20 you're intending. I think it's just being handled in a bit
21 of a sloppy way.

22 MS. FARRELL: Understood, your Honor. I wasn't
23 planning on putting document into evidence until she brought
24 it up, so partially --

25 THE COURT: Just keep it in mind.

Proceedings

3021

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MS. FARRELL: Okay. Thank you.

THE COURT: All right. 25 after 11:00.

(A recess in the proceedings was taken.)

(Continued on the next page.)

KEVES - DIRECT - MS. FARRELL

3022

1 (Continuing.)

2 (In open court; jury not present.)

3 THE COURT: You can bring back the witness and the
4 jury.

5 You could just head back up here.

6 (Witness resumes the stand.)

7 (Jury enters; in open court.)

8 THE COURT: Everyone may be seated.

9 Ms. Farrell, you may resume your examination.

10 MS. FARRELL: So if we could publish these two
11 photographs to the jury, please.

12 (Exhibit published.)

13 BY MS. FARRELL:

14 Q Just to reorient us, before the break you were
15 testifying about an announcement that was made with respect
16 to a change at the company. What was that change?

17 A That Nicole Daedone was selling the company to Anjuli
18 and Austin Ayer.

19 Q Did you know Anjuli and Austin Ayer during your time at
20 OneTaste?

21 A Yeah. Not well, but yeah. They were around.

22 Q How did you know them?

23 A I saw them at different events, like different courses.

24 Q And what, if anything, during that announcement did
25 Nicole Daedone say about why she was selling the company?

KEVES - DIRECT - MS. FARRELL

3023

1 A Along the lines of she wasn't able to tell the truth,
2 like, at the deepest level from her current position.

3 Q And was Rachel Cherwitz there?

4 A Yes.

5 Q Are you familiar with someone named Jack Elias?

6 A Yes.

7 Q Have you ever met him?

8 A Yes.

9 Q And when did you first meet him?

10 A It was at a, like a staff event on the land, and he was
11 one of the -- he was, like, doing a workshop. They hired
12 him to do a workshop with the staff.

13 Q Was he -- besides doing this workshop, was he otherwise
14 someone employed by or affiliated with OneTaste?

15 A The no.

16 Q And what was the nature of the workshop he did?

17 A He was a hypnotherapist.

18 Q And approximately when was this workshop with Mr. Elias
19 on the land?

20 A It would have been toward the end of my time there. So
21 maybe September or --

22 Q Of 2017?

23 A Yeah.

24 Q After that workshop, did there come a time when you set
25 up a personal meeting with Mr. Elias?

KEVES - DIRECT - MS. FARRELL

3024

1 A Yes.

2 Q And was that meeting in person or remote?

3 A Remote.

4 Q And why did you set up a meeting with him?

5 MR. ROBOTTI: Objection to relevance.

6 MS. BONJEAN: Join.

7 THE COURT: Overruled.

8 A Because during the workshop, he expressed concern over.

9 MS. BONJEAN: Objection. Hearsay.

10 MR. ROBOTTI: Join.

11 THE COURT: Response, Ms. Farrell?

12 MS. FARRELL: The question is why she set up a
13 meeting with him. So irrespective of the truth of what he
14 said, it's about the effect on the listener.

15 THE COURT: Overruled.

16 You may answer.

17 A He expressed concern over the sales tactics at
18 OneTaste --

19 MS. BONJEAN: Objection.

20 MR. ROBOTTI: Objection. Hearsay.

21 THE COURT: Overruled.

22 Q So at the time that you set up this personal meeting
23 with him, what was your psychological state?

24 MS. BONJEAN: Objection.

25 THE COURT: Overruled.

KEVES - DIRECT - MS. FARRELL

3025

1 A I was -- I was kind of starting to have panic attacks
2 around being at OneTaste, feeling like I really wanted to --
3 yeah, I was just -- I was starting to feel like I needed to
4 anchor into some -- when somebody was expressing concerns,
5 somebody else, I wanted to touch base with him and talk with
6 him about what he was seeing.

7 Q So why were you in psychological distress at the time,
8 based on your own experience?

9 MS. BONJEAN: Objection. Misstates the testimony.

10 THE COURT: Overruled -- excuse me. Sustained.

11 Q Why were you in the psychological state that you were
12 in at the time in the fall of 2017?

13 A The environment at OneTaste was really high pressure,
14 controlling --

15 MS. BONJEAN: I'm going to continue to object.

16 Standing objection to testimony around environment.

17 MR. ROBOTTI: Join.

18 THE COURT: Overruled.

19 A So when -- when he was expressing --

20 Q I'm sorry.

21 A Yeah.

22 Q Let me just remind you, the question is: Why were you
23 in that psychological state at the time in fall of 2017?

24 A Yeah, because I had been living and attending classes
25 and working there, and it was always high pressure, lots of

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1 emotional manipulation and abuse, and it was emotionally
2 draining.

3 Q So this is a yes-or-no question, but did Mr. Elias tell
4 you something in your personal meeting with him that had a
5 substantial effect on you?

6 A Yes.

7 Q And did he -- did the thing that he told you cause you
8 to take action?

9 A Yes.

10 Q And without commenting on its truth, what did Jack
11 Elias tell you during that meeting?

12 MS. BONJEAN: Objection.

13 MR. ROBOTTI: Objection.

14 MS. BONJEAN: Hearsay. 403, as well.

15 MR. ROBOTTI: Agree.

16 THE COURT: Overruled.

17 A He explained to me the cycle of abuse and --

18 MS. BONJEAN: I'm going to object also on the
19 grounds --

20 THE COURT: Yes, sustained, sustained.

21 You can go on to the next topic.

22 Q After speaking with him, did you soon thereafter decide
23 to leave OneTaste?

24 A Yes.

25 Q And was that based on your discussion with him?

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1 A Yes.

2 Q And so what did you do after speaking with Jack Elias?

3 MS. BONJEAN: Your Honor, I apologize. I just
4 want to also put on the record objection to the undisclosed
5 expert slash --

6 THE COURT: No, sustained -- overruled, your
7 objection.

8 I told you to move on to the next topic.

9 Q What did you do next?

10 A I moved out of -- I ended the relationship with Rami, I
11 moved out of the staff house, and then left OneTaste.

12 Q And at the time, were you engaged to Rami?

13 A Yes.

14 Q Did you attempt to stay in the relationship with him
15 while you were leaving OneTaste?

16 A Yeah.

17 Q And what happened to your relationship?

18 A It -- we -- it ended. We -- I couldn't -- I kind of --
19 I wanted to convince him to leave; he wanted to stay.

20 Q So I'd like to show you a series of photographs that
21 are in evidence.

22 MS. FARRELL: We could start with Government
23 Exhibit 382, please. And we could show this to the jury.

24 (Exhibit published.)

25 Q Do you recognize this person?

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1 A No.

2 MS. FARRELL: If we could show the witness
3 Government Exhibit 260.

4 (Exhibit published.)

5 Q Do you recognize this person?

6 A No.

7 MS. FARRELL: If we could show the witness
8 Government Exhibit 265, please.

9 (Exhibit published.)

10 Q Do you recognize this person?

11 A No.

12 MS. FARRELL: If we could show the witness
13 Government Exhibit 388, please.

14 (Exhibit published.)

15 Q Do you recognize this person?

16 A No.

17 MS. FARRELL: If we could show the witness
18 Government Exhibit 228, please.

19 (Exhibit published.)

20 Q Do you recognize this person?

21 A No.

22 MS. FARRELL: If we could show the witness
23 Government Exhibit 269, please.

24 (Exhibit published.)

25 Q Do you recognize this person?

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1 A No.

2 MS. FARRELL: If we could show the witness
3 Government Exhibit 408.

4 (Exhibit published.)

5 Q Do you recognize this person?

6 A No.

7 MS. FARRELL: If we could show the witness 297,
8 please.

9 (Exhibit published.)

10 Q Do you recognize this person?

11 A No.

12 MS. FARRELL: And if we could show the witness
13 Government Exhibit 404, please.

14 (Exhibit published.)

15 Q Do you recognize this person?

16 A That's me.

17 Q Approximately when did you leave OneTaste?

18 A Fall of 2017.

19 Q And where did you go after leaving?

20 A I moved back in with my sister.

21 Q And was she in New York?

22 A Yeah.

23 Q And why did you go to your sister?

24 A Well, I didn't have any money, and so I had a free
25 room, but she was my -- my support.

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1 Q And what was your emotional condition at the time that
2 you left?

3 MS. BONJEAN: Objection to relevance.

4 THE COURT: Overruled.

5 A It was really hard.

6 Q It seems like you're getting emotional. Why is that?

7 MS. BONJEAN: Objection.

8 THE COURT: Yes, sustained.

9 Q Why was it really hard?

10 A Because for almost a year I had been -- I spent so much
11 of my time, all of my money in that organization, and then
12 it's hard to admit that you -- for me, it was hard for me to
13 admit that I had been so, like, manipulated or persuaded.

14 Q And specifically what about your experience at OneTaste
15 makes you feel like you were manipulated?

16 A The entire culture at OneTaste was --

17 MR. ROBOTTI: Objection.

18 MS. BONJEAN: Objection.

19 THE COURT: Overruled.

20 A It was around, you know -- the philosophy was around,
21 you know, desire, but often it was taught that, like, you
22 don't know your own desire, somebody else knows what you
23 desire. And so I lost kind of -- I felt like I lost touch
24 with myself because I had -- I was being told who I was and
25 what I wanted and what to think. So -- yeah, I'm sorry, I

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1 forgot the question.

2 Q That's okay.

3 When was the last time you spoke with Nicole
4 Daedone?

5 A About -- I believe it was that event where Rami and I
6 got engaged.

7 Q And what about Rachel Cherwitz?

8 A It probably would have been after -- like late fall,
9 just before, because Rachel was more around New York.

10 MS. FARRELL: I have no further questions, Your
11 Honor.

12 THE COURT: Mr. Robotti?

13 MR. ROBOTTI: Yes, Your Honor.

14 THE COURT: Okay. Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. ROBOTTI:

17 Q Good afternoon, Ms. Keves.

18 A Good morning.

19 Q My name is Mike Robotti, and I represent Rachel
20 Cherwitz. Nice to meet you.

21 So you're originally from Michigan, correct?

22 A Yes.

23 Q And you went to college, correct?

24 A Yes.

25 Q Where did you go?

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1 A Michigan State for undergrad.

2 Q And what was your degree in?

3 A Elementary education.

4 Q And you got a master's degree, correct?

5 A Yes.

6 Q That was in teaching?

7 A Yes.

8 Q And you later got a second master's degree, correct?

9 A Correct.

10 Q What was that in?

11 A Social work.

12 Q And what year did you move to New York?

13 A 2012.

14 Q And you participated in OneTaste from 2016 to 2017; is
15 that correct?

16 A Yes.

17 Q Is it fair to say that during that period of time, you
18 had a significant financial safety net in place?

19 A I don't know how significant, but I had some savings
20 when I began OneTaste, yes.

21 Q Okay. And your parents were both employed, correct?

22 A My parents?

23 Q Yes.

24 A Yeah.

25 Q Okay. And your sister, she's an attorney, correct?

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1 A Yes.

2 Q And her husband, who is your brother-in-law, he's the
3 manager of a hedge fund, correct?

4 A Correct.

5 Q And you nannied for your sister's children; is that
6 correct?

7 A Yes.

8 Q And you got paid to do that?

9 A Yes.

10 Q And you lived there rent free, correct?

11 A Yes.

12 Q And that was before you got involved in OneTaste,
13 right?

14 A Yes.

15 Q What years did you nanny?

16 A 2014, I think, to 2016.

17 Q So that was about two years before you got involved in
18 OneTaste, correct?

19 A Yeah.

20 Q And you started at OneTaste while you were still living
21 there, correct?

22 A Yes.

23 Q And they lived in an apartment in the SoHo neighborhood
24 of Manhattan; is that right?

25 A Yes.

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1 Q And did they own that apartment?

2 A Yes.

3 MS. FARRELL: Objection. Relevance.

4 THE COURT: Sustained.

5 Q And during your time at OneTaste, you also vacationed
6 with them in the Hamptons; is that right?

7 MS. FARRELL: Objection. Relevance.

8 THE COURT: Sustained.

9 Q So is it fair to say that your family had significant
10 resources while you were at OneTaste?

11 A My sister, yes.

12 Q Okay. And if you needed to in 2016 or 2017, you could
13 have gotten an Uber and stayed at your sister's place; is
14 that right?

15 A Yeah.

16 Q And that's where you lived before, right?

17 A Yes.

18 Q I'd like to show you what's been marked for
19 identification as Defense Exhibits 9-EW, 9-EX, 9-EY, 9-EZ,
20 9-FA, 9-FB, and 9-FC.

21 MR. ROBOTTI: Your Honor, may I approach?

22 THE COURT: Yes.

23 And the Government has all these, right?

24 MR. ROBOTTI: Yes.

25 Q Just take a moment and look through those stack of

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1 documents and let me know when you're done.

2 MR. ROBOTTI: Your Honor, these have been redacted
3 pursuant to the conversation this morning.

4 THE COURT: Thank you.

5 Q Now, ma'am, is that stack of documents the consent
6 forms that you signed while you were at OneTaste?

7 A Yes.

8 Q And you signed at least seven consent forms; is that
9 correct?

10 A Yes.

11 MR. ROBOTTI: Your Honor, the defense moves to
12 admit Defense Exhibits 9-EW, 9-EX, 9-EY, 9-EZ, 9-FA, 9-FB,
13 and 9-FC.

14 THE COURT: Any objection?

15 MS. FARRELL: No.

16 THE COURT: Defense Exhibits 9-EW, 9-EX, 9-EY,
17 9-EZ, 9-FA, 9-FB, and 9-FC are admitted.

18 (Defense Exhibits 9-EW, 9-EX, 9-EY, 9-EZ, 9-FA,
19 9-FB, and 9-FC received in evidence.)

20 MR. ROBOTTI: If we could pull up 9-EW on the
21 screen and publish to the jury.

22 (Exhibit published.)

23 MR. ROBOTTI: And if we could go to the first
24 page.

25 Q Now, ma'am, you reviewed and signed all these forms; is

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1 that correct?

2 A Yes.

3 MR. ROBOTTI: If we could zoom in under Assumption
4 of Risk.

5 Q We're not going to go through all of these, but I'd
6 just like to ask you about a few of them.

7 So can you see there at the top bullet point:
8 I've reviewed the released parties' literature and am
9 familiar with the sexual nature of the practice of OM?

10 A Yes.

11 Q Do you see the third bullet point: Any concepts,
12 notions, ideas, suggestions, and recommendations from the
13 released parties and anyone acting on behalf of the released
14 parties that I accept and/or apply to my life, I do of my
15 own free will.

16 A Yes.

17 Q Do you see a couple of bullet points down: The content
18 of the course is controversial?

19 A Yes.

20 Q And do you see at the bottom, the last bullet point,
21 that: Certain participants may make statements or take
22 actions that I disagree with or find offensive?

23 A Yes.

24 Q And then just on the next page.

25 MR. ROBOTTI: If we could zoom in at the top.

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1 Q And the second bullet point there: I may choose not to
2 participate in any activity offered in the course. However,
3 if I decide to participate, I do so of my own knowing and
4 free will.

5 A Yes.

6 MR. ROBOTTI: We could just move off that screen
7 there.

8 Q And you initialed right under that, right?

9 A Yes.

10 Q All right. And not every consent form has the exact
11 same language, but is it fair to say that all of those forms
12 have the substance of that language in there?

13 A Yes.

14 MR. ROBOTTI: I'd like to just pull up 9-EW. I'm
15 sorry, 9-FC.

16 Q Do you recognize this as a consent form for the
17 June 2017 Intensive? It should also be on the screen right
18 in front of you there.

19 A Yeah, I don't think -- oh, I see.

20 Yes.

21 Q Okay. And just looking at the first paragraph there,
22 do you see that says: OneTaste's work is about putting
23 yourself in an environment where you request go out of
24 control so that you can find out who you really are
25 underneath your identity, so that you can truly play in

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1 life. In order for OneTaste to be able to create this
2 experience for you, you agree to surrender the right to hold
3 anybody but yourself fully responsible for your actions and
4 for your experience, of other people's actions, that you
5 agree to treat this responsibility as yours and yours alone.

6 Do you see that there?

7 A Yes.

8 Q And you signed this form as well, right?

9 A Uh-huh.

10 Q So you were repeatedly reminded throughout your time at
11 OneTaste of this type of language in these documents?

12 A Before each course we signed documents, yes.

13 Q Right. And you took 20 or 30 courses, you said?

14 A Around there.

15 Q And you signed at least these seven forms, right?

16 A Yes.

17 Q All right. So I'd like to talk a little bit about the
18 coaching program.

19 So you did the coaching program from November 2016
20 to August 2017; is that right?

21 A Yes.

22 Q And you didn't start working at OneTaste until August
23 of 2017, right?

24 A Correct.

25 Q And you found the coaching program to be very

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1 beneficial at the time, correct?

2 A Yeah.

3 Q And you also thought the OM practice was very helpful,
4 right?

5 A I'm -- I'm sure at the time I did.

6 Q And you also enjoyed the community aspect of OneTaste;
7 is that correct?

8 A Yes.

9 Q And do you recall sending an email on December 29, 2016
10 describing why you had started participating in OneTaste?

11 A No.

12 Q Would it refresh your recollection if I showed you that
13 email?

14 A Sure.

15 MR. ROBOTTI: Can we pull up Defense Exhibit 9-A.
16 And if we can zoom in under Why Am I Here.

17 A Yeah.

18 Q So do you recall believing at the time: I am here to
19 remember I am powerful?

20 A Yes.

21 Q And do you recall believing over time: I had
22 accumulated rules, fears, and beliefs that blocked me from
23 power I knew as a child, that I learned to control, fix, and
24 manage --

25 MS. FARRELL: Objection, Your Honor.

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1 THE COURT: Yes, sustained.

2 Q Do you recall believing at the time that you were there
3 to shed the beliefs that had been keeping you from embracing
4 pleasure?

5 A Yes.

6 Q Now, on February 9, 2017 you took a coaching circle
7 with Nicole; is that right?

8 A I believe so.

9 Q And do you recall telling Nicole how beneficial the
10 coaching program was to you?

11 A Yeah.

12 Q Okay. And what do you recall saying?

13 MS. FARRELL: Objection.

14 THE COURT: Yes, sustained.

15 MR. ROBOTTI: Effect on the listener, Your Honor.

16 Q Do you recall having a conversation directly with
17 Ms. Daedone at the time?

18 A Yeah. It was part of the coaching circle.

19 Q Do you recall telling her at that time --

20 MS. FARRELL: Objection, Your Honor.

21 THE COURT: Let me let him finish the question.

22 Q Do you recall telling Ms. Daedone at the time how
23 beneficial the program had been for you?

24 THE COURT: But that was just asked and answered,
25 right?

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1 MS. FARRELL: Correct.

2 THE COURT: Can we have another question?

3 Q Do you recall explaining to Ms. Daedone at the time how
4 you were feeling about your own practice?

5 A I can't recall the details of the conversation, no.

6 Q Okay. Would it refresh your recollection to listen to
7 a clip from that session?

8 A Sure.

9 MR. ROBOTTI: Could we show Defense Exhibit FD-1.

10 (Audio played for the witness only.)

11 Q Now, did that refresh your recollection of that
12 conversation?

13 A Yes.

14 MS. FARRELL: Your Honor, I'm going to object.

15 The question was --

16 THE COURT: I don't think I had the right video.

17 What is the letter you said, Mr. Robotti?

18 MR. ROBOTTI: Sorry. It was Defense Exhibit FD-1.

19 THE COURT: Well, that's what I was --

20 MS. FARRELL: Am I correct the transcript is

21 FD-1-T?

22 MR. ROBOTTI: Correct.

23 MS. FARRELL: I think the question was about her
24 own practice, and my understanding is this has nothing to do
25 with that.

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1 THE COURT: Can you give me a minute? Because I
2 don't think that's what I was --

3 That was not coming up here. Do you have the
4 transcript? Sorry. Is it in one of these binders?

5 Thank you. Just give me a minute with this.

6 (Pause in proceedings.)

7 THE COURT: I'm going to sustain the objection.

8 BY MR. ROBOTTI:

9 Q Now, Ms. Keves, OneTaste also gave you certain
10 opportunities that you were looking for; is that correct?

11 A Such as?

12 Q For example, you were interested in addressing issues
13 surrounding food and sex; is that correct?

14 A Yes.

15 Q And you testified on direct examination that's because
16 you had previously struggled with an eating disorder, right?

17 A Yes.

18 Q And OneTaste gave you the opportunity to work on that
19 connection between food and sex; is that right?

20 A I mean -- what do you mean?

21 Q So you wanted to host a lecture on this issue, is that
22 correct?

23 A Yeah, I did.

24 Q And you were able to do that, right?

25 A I gave a talk, yes, while I was there.

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1 Q And you co-hosted an event called Women, Food, and
2 Orgasm, where you gave a talk, right?

3 A Yes.

4 Q And this was important work you were interested in
5 doing while you were there, correct?

6 A Yes.

7 Q And this was your idea to do this work?

8 A I believe so.

9 Q And the talk that you gave was about how to explore
10 orgasm and how it relates to food and women conditioning; is
11 that right?

12 A Yes.

13 Q While you were at OneTaste, you also quickly met and
14 fell in love with a man; is that right?

15 A Yes.

16 Q And that was Hesham Hauter, who also went by Rami?

17 A Right.

18 MR. ROBOTTI: So could we show just for the
19 witness Defense Exhibit 9-DA and also 9-DB.

20 And could we redact the text on the side there.

21 Q Is 9-DA a photo of you and Rami?

22 A Yes.

23 MR. ROBOTTI: Can we look at 9-DB.

24 Q Is that also a photo of you and Rami?

25 A Yes.

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1 MR. ROBOTTI: Your Honor, the defense moves to
2 admit Defense Exhibits 9-DA and 9-DB into evidence.

3 THE COURT: Any objection?

4 MS. FARRELL: No objection.

5 THE COURT: Defense Exhibits 9-DA and 9-DB are
6 admitted.

7 (Defense Exhibits 9-DA and 9-DB received in
8 evidence.)

9 (Exhibit published.)

10 Q So again, just publishing for the jury, 9-DB is you and
11 Rami?

12 A Yes.

13 MR. ROBOTTI: And could we go back to 9-DA?

14 (Exhibit published.)

15 MR. ROBOTTI: And just redact that text, please.

16 THE COURT: I'm sorry, I should have made clear,
17 you were offering it without the text, just the photograph?

18 MR. ROBOTTI: That's correct.

19 THE COURT: Okay. Photograph only are admitted on
20 both DA and DB.

21 Q Now, is it correct that not long after you met him, you
22 left your sister's SoHo apartment and you moved in with him,
23 correct?

24 A Yes.

25 Q And you became monogamous with him shortly after you

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1 met him at OneTaste, right?

2 A Yes.

3 Q Rami was a wealthy guy, right?

4 A Yes.

5 Q And he lived in a high-rise building in Chelsea?

6 A Yes.

7 Q And he made a lot of money writing poker games; is that
8 right?

9 A Yes.

10 Q And he helped pay off some of your credit card debt; is
11 that correct?

12 A I don't recall that.

13 Q And he started paying for your OneTaste programs
14 because he had the resources to do that; is that right?

15 A Yes.

16 Q And over time, he paid tens of thousands of dollars for
17 you; is that correct?

18 A Yes.

19 Q And that was something that you asked him to do,
20 correct?

21 A Yes.

22 Q And you made the choice to ask him to do that?

23 A Yes.

24 Q And he made the decision to give you the money?

25 A Yes.

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1 Q And that was his money, correct?

2 A Yes.

3 Q And his choice to do that, right?

4 A Yes.

5 Q And your understanding was that he did that because he
6 loved you, correct?

7 A I -- I guess.

8 Q So your relationship with Rami moved pretty quickly,
9 correct?

10 A Yes.

11 Q You two chose to be together?

12 A Yes.

13 Q You were in love?

14 A I thought I was.

15 Q At the time you believed you were in love?

16 A Yes.

17 Q You went home to meet his parents in June of 2017; is
18 that right?

19 A Yes.

20 Q And that was a big deal because he had never brought a
21 girlfriend home, right?

22 A Yes.

23 Q He had a traditional Muslim family, correct?

24 A Yes.

25 MS. FARRELL: I'm going to object to the

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1 relevance.

2 THE COURT: Sustained.

3 Q And you also introduced him to your family, correct?

4 A Yes.

5 Q Now, by July 2017 he proposed to you, right?

6 A Yes.

7 Q And that was, as you testified earlier, at the Nicole
8 Daedone Intensive, correct?

9 A Yes.

10 Q And you were thrilled at the time that he proposed to
11 you?

12 A Yes.

13 Q And it was around this time that you decided to sign up
14 for the Lineage program, correct?

15 A Yes.

16 Q And Rami also paid for that, right?

17 A Yes.

18 Q And that was a longer teaching program over the course
19 of three years, correct?

20 A Uh-huh.

21 Q That was broken up into six semesters?

22 A I don't know. I didn't end up doing it.

23 Q Okay. But at this point it's fair to say you were all
24 in at OneTaste?

25 A Yeah.

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1 Q And at this point, is it fair to say that you were
2 finding the OM practice beneficial?

3 A Yeah, at that point I was.

4 Q And that you were excited about the opportunity of
5 continuing with these OneTaste courses?

6 A Yeah.

7 Q Okay. And so in the summer of 2017, you also decided
8 to move in to 156 Second Avenue in the East Village; is that
9 correct?

10 A The yes.

11 Q And that was an apartment where certain OneTaste staff
12 members lived; is that right?

13 A Yes.

14 Q And that was organized by OneTaste staff, right?

15 A Yes.

16 Q That was not run by the company, correct?

17 A It was -- I'm not sure.

18 Q That was a residence that was organized by OneTaste
19 staff members, correct?

20 A I believe so, yes.

21 Q To your knowledge, the company was not operating that
22 apartment?

23 A Not to my knowledge.

24 Q And you lived there rent free; is that right?

25 A Rami paid the rent, yeah.

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1 Q Rami paid the rent, correct?

2 And Rami moved in there too, right?

3 A Yes.

4 Q His lease was up at the time?

5 A Yes.

6 Q And so you two decided to move in together at this
7 location?

8 A Yes.

9 Q Your friend Aubrey Fuller also lived there, as well?

10 A She did.

11 Q And there were also non-OneTaste staff members that
12 lived there, correct?

13 A Yes.

14 Q For instance, one was Rob Montgomery, correct?

15 A Yes.

16 Q And it was your idea to move into the East Village
17 residence, correct?

18 A I agreed to it.

19 Q Well, do you recall asking Aubrey Fuller to move in on
20 May 27, 2017?

21 A No, I don't.

22 Q Would a document refresh your recollection about that?

23 A Uh-huh.

24 MR. ROBOTTI: Could we show just for the witness
25 Defense Exhibit 9-BG?

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1 THE COURT: B as in boy?

2 MR. ROBOTTI: B as in boy, Your Honor.

3 Your Honor, can I approach with a hard copy?

4 THE COURT: Yes.

5 THE WITNESS: Okay, yes.

6 Q Does that refresh your recollection that you asked to
7 move into that residence, right?

8 A Yes, after the idea was put out there and we were
9 invited to have dinner there and -- yes.

10 Q And you excitedly said I want to live there too,
11 correct?

12 A Yes.

13 Q And while you were living at the East Village
14 residence, you had a regular OM practice; is that correct?

15 A Yes.

16 Q And that was something you wanted to do on a daily
17 basis, correct?

18 A At the time I thought so, yeah.

19 Q So at the time you wanted to have a regular OM
20 practice, correct?

21 A Yes.

22 Q And that was something that you made the choice to do,
23 right?

24 A Yes.

25 Q And, in fact, in May of 2017, you encouraged your house

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1 mates to do a group OM in the mornings, correct?

2 A I encouraged it?

3 Q Is that correct?

4 A That was already set in place.

5 Q Do you recall a discussion of OMing alone in your rooms
6 versus doing group OMs in the living room?

7 A Vaguely.

8 Q And you asked to continue to do the group OMs in the
9 living room; is that right?

10 A If it was put to a vote and that's what I voted for,
11 maybe yes, but I don't recall.

12 Q Would a document refresh your recollection?

13 A Maybe, yes.

14 MR. ROBOTTI: Let me pull up Defense Exhibit 9-EE.

15 THE WITNESS: Okay.

16 Q So do you recall at the time that you voted to keep the
17 group OMs in the living room space?

18 A Yes.

19 Q And you testified about wanting to be monogamous on
20 direct examination; is that correct?

21 A Yes.

22 Q But in July of 2017, you and Rami opened up your OMing
23 relationship; is that right?

24 A Yes.

25 Q And you reached out to Rachel Short to ask to OM with

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1 her boyfriend, Kenan Wang; is that right?

2 A It's possible. I don't recall the details.

3 Q Would a document refresh your recollection?

4 A Probably.

5 MR. ROBOTTI: Can we show the witness Defense

6 Exhibit 9-BL; B as in boy.

7 And if we could zoom in on the bottom messages
8 there.

9 THE COURT: These are really hard to read. Can
10 you read that on the screen?

11 THE WITNESS: Okay, yes.

12 Q Now, does that refresh your recollection that you
13 reached out to Rachel Short to ask to OM with her boyfriend?

14 A Yes.

15 Q And that was Kenan Wang, correct?

16 A Yes.

17 Q Now, in mid 2017, do you recall discussing the benefits
18 of your OM practice in a video?

19 A Not specifically, but I'm sure you'll refresh my
20 memory.

21 MR. ROBOTTI: Can we show the witness Defense

22 Exhibit 9-FG.

23 THE COURT: Sorry, you faded off there. 9 what?

24 MR. ROBOTTI: 9-FG.

25 MS. FARRELL: Your Honor, I'm going to object to

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1 improper refreshment. I don't think there's a question
2 posed that she said she couldn't remember the answer to.

3 MR. ROBOTTI: I believe she said --

4 THE COURT: She said she couldn't specifically
5 remember discussing the benefits of her OM practice in a
6 video in mid 2017.

7 Is that the question that's open?

8 MR. ROBOTTI: Yes, Your Honor.

9 THE COURT: Okay. I'll allow you to show the
10 witness 9-FG.

11 So I will overrule that objection.

12 (Video is played for the witness only.)

13 THE COURT: You said FD or FG?

14 MR. ROBOTTI: FG, Your Honor.

15 THE COURT: Okay. I don't have that. If it's a
16 video, I don't have it here. So I need it, unless you have
17 the transcript.

18 MR. ROBOTTI: We'll come back to that, Your Honor.

19 THE COURT: Okay. So let's move on to something
20 else.

21 MR. ROBOTTI: I have the transcript, Your Honor.

22 THE COURT: Okay. You can hand that up. What is
23 that marked?

24 MR. ROBOTTI: FG-T.

25 THE COURT: Does the Government have the video and

KEVES - CROSS - MR. ROBOTTI

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1 the transcript?

2 MR. ROBOTTI: Yes, Your Honor.

3 THE COURT: Okay.

4 THE WITNESS: Okay.

5 Q So in mid 2017, you'd been OMing for about nine months;
6 is that correct?

7 A Uh-huh.

8 Q And do you believe --

9 At that time, did you believe it had changed your
10 relationships?

11 A Yes.

12 Q And at that time, did you believe you had --

13 You had previously been terrified of people, men
14 in particular?

15 A Yes.

16 Q But that the area of your life -- that area of your
17 life had completely shifted as a result of your OM practice?

18 A Yes.

19 Q And that you were having much more of a connection and
20 intimacy in your relationships as a result?

21 THE COURT: Sorry. Are you asking her if that's
22 how she felt or if that's what she said on some video? It's
23 unclear what the question is.

24 MR. ROBOTTI: I'm asking her if that's how she
25 felt in mid 2017, Your Honor.

KEVES - CROSS - MR. ROBOTTI

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1 THE COURT: Okay. So if you could just pose each
2 question the way you want her to hear it, that would be
3 helpful.

4 MR. ROBOTTI: Yes, Your Honor.

5 Q So in mid 2017, did you feel that as a result of your
6 OM practice, you were having much more of a connection and
7 intimacy in your relationships?

8 A Yes.

9 Q Now, you met Rachel Cherwitz through the coaching
10 program; is that correct?

11 A I met her first at the -- at the New Year's Eve
12 retreat. But yes, she was also at the coaching program.

13 Q Okay. And you really liked and admired Rachel, right?

14 A That's not how I recall feeling.

15 Q Okay. Well, in May of 2017, do you recall sending an
16 intake form in which you described your feelings about
17 Rachel?

18 A No.

19 MR. ROBOTTI: Can we pull up Defense Exhibit --

20 Q Would a document refresh your recollection?

21 A Yes.

22 MR. ROBOTTI: Can we pull up Defense Exhibit 9-Y.

23 And if we could zoom in on the bottom third of the
24 page or so.

25 THE COURT: Sorry, what's the number?

KEVES - CROSS - MR. ROBOTTI

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1 MR. ROBOTTI: 9-Y, Your Honor.

2 Q Now, does that refresh your recollection that in May
3 2017, you believed that Rachel was a powerful example of a
4 woman who loves fiercely and chooses truth over comfort or
5 pleasing others?

6 A That's what I wrote.

7 (Continued on the following page.)

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Keves - cross - Robotti

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1 CROSS-EXAMINATION

2 BY MR. ROBOTTI: (Continuing)

3 Q And that's what you believed at the time; correct?

4 A Yes.

5 Q And at the time, did you also recall having an aversion
6 to any woman who you perceived to be better than you in any
7 way?

8 A As part of this assignment, yes, that's what I wrote.

9 Q Is that what you believed at the time?

10 A I guess so. I wrote it as part of the assignment.

11 Q Okay. And do you recall that you had that aversion
12 because such a woman reminded you of what you wanted and what
13 you could be, and if I didn't believe I could have it or do
14 that --

15 MS. FARRELL: Objection, Your Honor.

16 THE COURT: Yes. Sustained.

17 You can ask a question, but not read from the
18 document.

19 Q Why did you recall having that aversion at the time?

20 A Why do I recall having an aversion? Because it was an
21 assignment during the course that they asked us to write
22 about.

23 I'm not sure I understand your question.

24 Q Let me rephrase.

25 Do you recall why you had an aversion to any woman

Keves - cross - Robotti

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1 who you perceived to be better than you at the time?

2 A I mean, what I wrote was because she's reminding me of
3 what I want and what I can be, and if I don't believe that I
4 can have that, it feels painful and irritating.

5 Q Now, Rachel stayed at that East Village apartment with
6 you at times?

7 A Yes.

8 Q And that wasn't all the time because she traveled for
9 work a lot; correct?

10 A Correct.

11 Q And on July 17th, 2017, while Rachel was traveling, you
12 and your housemates sent her a video. Do you recall that?

13 A Vaguely.

14 Q All right.

15 MR. ROBOTTI: Can we show the witness Defense
16 Exhibit 9-DP?

17 This should be on your computer, Your Honor, as
18 well.

19 THE COURT: This is a video?

20 MR. ROBOTTI: Yes.

21 THE COURT: Sorry. DP, right?

22 MR. ROBOTTI: Yes.

23 Q Now, in this video, you and your housemates say hi to
24 Rachel; is that right?

25 A Yes.

Keves - cross - Robotti

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1 Q And you all dance around; correct?

2 A Yes.

3 MS. FARRELL: Objection, Your Honor.

4 THE COURT: Yes. Sustained.

5 Q At the time, were you wearing an Orgasm State t-shirt?

6 A Yes.

7 Q And you and your housemates were having fun at that time;
8 correct?

9 A Yes.

10 Q And you sent a video to Rachel to let her know that;
11 correct?

12 A I don't remember whose idea it was or why. It certainly
13 wasn't mine, I know that.

14 But yes, we would -- I'm sure we -- yeah. It was
15 somebody's idea. I don't know if it was for a birthday or
16 what, to cheer her up about something, but yes, we sent her
17 that video.

18 Q Okay. And after this, you asked to get more involved
19 with OneTaste; is that correct?

20 A I don't recall, but yeah. That was kind of the theme.
21 You kept getting deeper and deeper and deeper.

22 Q But in August of 2017, you asked to be on the sales team;
23 right?

24 A As a response to an idea or invitation to, yes.

25 Q So you ultimately asked to be on the sales team; right?

Keves - cross - Robotti

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1 A Yes.

2 Q You wanted the job; correct?

3 A Yes.

4 Q All right. And Rami was also working at OneTaste as
5 well, too?

6 A Yes.

7 Q And he was also in sales; is that right?

8 A Yes.

9 Q Now, your schedule before you started working at OneTaste
10 was not particularly grueling; right?

11 A My schedule before working at OneTaste?

12 Q Before you joined the sales team.

13 A You mean as a volunteer at OneTaste?

14 Q Before you started with the sales team in August of 2017,
15 you were not working a grueling schedule; is that correct?

16 MS. FARRELL: I'm going to object to the form of the
17 question, actually.

18 THE COURT: Sustained.

19 Q All right. Do you recall that on August 2017, you and
20 Robbie spent the day watching a movie, eating Thai food,
21 having sex and taking a nice long nap?

22 MS. FARRELL: Objection.

23 THE COURT: Sustained.

24 Q Do you recall that before you were working on the sales
25 team, you were living rent-free in the East Village and not

Keves - cross - Robotti

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1 working?

2 MS. FARRELL: Objection.

3 THE COURT: Basis?

4 MS. FARRELL: Foundation.

5 THE COURT: Overruled.

6 That means you can answer.

7 A Yes, I had just stopped nannying for my sister.

8 Q Okay.

9 A So I was not working.

10 Q And you were not working back of the house every day,
11 correct, for OneTaste?

12 A No.

13 Q You weren't working 5:00 a.m. to midnight every day;
14 correct?

15 A No, not every day.

16 Q You were doing that occasionally; correct?

17 A I don't recall the exact frequency, but, yes, it was not
18 every day.

19 Q Okay. So when you spoke about putting flyers up on
20 direct examination, that was one day you were speaking about;
21 right?

22 A One day of flyering, yes.

23 Q Okay. And you had no experience in sales; correct?

24 A Correct.

25 Q And sales can be a demanding job; is that right?

Keves - cross - Robotti

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1 A I guess so.

2 Q And you had previously only worked for Teach of America
3 and as a nanny for your sister; is that correct?

4 A Well, I've had other jobs, but those were my two latest
5 jobs, yeah.

6 Q Okay. But this is the first time you had done a
7 demanding sales job; right?

8 A It's the first time I had done a sales job.

9 Q And you were excited to start that job; correct?

10 A At the time.

11 Q And ultimately, you were on the sales team for
12 two-and-a-half months; is that right?

13 A Yes.

14 Q That's less than 90 days; correct?

15 A Yes.

16 Q And that's how long you actually worked at OneTaste;
17 right?

18 A Uh-hum.

19 Q And you and Rachel did work together a little bit during
20 this time period; correct?

21 A Uh-hum.

22 Q But you actually reported to Aubrey Fuller; right?

23 A Yes.

24 Q Not to Rachel?

25 A Yeah.

Keves - cross - Robotti

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1 Q And you -- is that a yes?

2 A I mean, it was -- it wasn't like structured. I mean,
3 yes, I believe Rachel was technically my supervisor, yes.

4 Q Okay. But you were reporting day-in and day-out to
5 Aubrey Fuller?

6 A Aubrey Fuller was, yeah.

7 Q And you certainly weren't reporting to Nicole Daedone;
8 correct?

9 A No.

10 Q You had the opportunity to lead some classes with Rachel
11 during this time period; is that right?

12 A I don't recall specifically leading a class with Rachel,
13 but maybe.

14 Q Do you recall giving talks with Rachel?

15 A Maybe.

16 Q Okay. Or attending evening events?

17 A Yes, for sure.

18 MR. ROBOTTI: All right. Could we show the witness
19 Defense Exhibit 9-DL and 9-DN?

20 Q And do you recognize 9-DL as a photograph of you and
21 Rachel giving a talk?

22 A Yes.

23 Q And on 9-DN, and do you recognize this as a photo of you
24 and Rachel attending an evening event?

25 A Yes.

Keves - cross - Robotti

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1 MR. ROBOTTI: Your Honor, the defense moves to admit
2 Defense Exhibits 9-DL and 9-DN.

3 THE COURT: Any objection?

4 MS. FARRELL: No objection, Your Honor.

5 THE COURT: Okay. Defense Exhibits 9-DL and 9-DN
6 are admitted.

7 MR. ROBOTTI: If we can publish 9-DL to the jury?
8 (Defense Exhibits 9-DL and 9-DN were received in
9 evidence.)

10 Q This is looking at 9:00 DN. So this is the evening
11 event; correct?

12 A Uh-hum.

13 Q And then 9-DL.

14 And then this is you and Rachel giving the talk;
15 correct?

16 A Yeah.

17 Q And this is towards the end of your time at OneTaste?

18 A Yeah, I believe so.

19 Q Now, you testified on direct examination that the sales
20 team wasn't for you; is that right?

21 A Yes.

22 Q You didn't like it?

23 A No, not at the end.

24 Q All right. So after two-and-a-half months, you quit;
25 right?

Keves - cross - Robotti

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1 A Yes.

2 Q And you left OneTaste in early November 2017; is that
3 correct?

4 A Yes.

5 Q And you made the choice to leave; right?

6 A Yes.

7 Q That was a decision that you made because you didn't like
8 your job; right?

9 A Correct.

10 Q Right?

11 And you moved back with your sister in Soho;
12 correct?

13 A Yes.

14 Q And you resumed your nanny job; correct?

15 A No.

16 Q Did you ultimately get another job?

17 A Yes.

18 Q What was that?

19 A I served at a restaurant.

20 Q Okay. And, so, you left OneTaste and you got another
21 job; right?

22 A Yes.

23 Q Okay. And when you left, you and Rami also broke up;
24 correct?

25 A Correct.

Keves - cross - Robotti

3066

1 Q And when you left, you recall telling Yia Vang that you
2 no longer wanted to participate in the program?

3 MS. FARRELL: Objection.

4 THE COURT: Let me let him get the question out.

5 Q Do you recall having a conversation with Yia Vang in
6 November of 2017 about why you left?

7 A No.

8 MR. ROBOTTI: Can we show the witness Defense
9 Exhibit 9-AP? That's small, so I can give you a hard copy if
10 that's better.

11 THE WITNESS: I can't see that at all. Okay. Now I
12 can see it. Uh-hum.

13 Q In November of 2017, do you recall telling Yia Vang you
14 were leaving the program because you couldn't afford it on
15 your own?

16 A Yes.

17 Q Do you recall explaining that you had broken up with
18 Robbie?

19 A Rami.

20 Q Rami; correct?

21 A Yes.

22 Q And do you recall that she responded with compassion?

23 A Yes.

24 Q Asking, aw, honey, how's your heart?

25 A Yes.

Keves - cross - Robotti

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1 Q You ultimately talked about your decision to leave
2 OneTaste with Rami; is that correct?

3 A Uh-hum.

4 Q And you wanted to leave and he wanted to stay; is that
5 right?

6 A Yes.

7 Q And up until that point, your relationship had had some
8 troubles; correct?

9 A Yeah.

10 Q And on direct examination, you testified that you broke
11 up with Rami as a result of this conversation with a
12 psychotherapist; is that right?

13 A Yes. Initially, I broke up with him and there was some
14 back and forth, yes, after that.

15 Q But you all had actually -- you and Rami had actually had
16 a pretty volatile relationship in the months leading up to
17 that; right?

18 A Yeah,

19 Q And you had gotten into repeated fights in the East
20 Village residence?

21 A Yes.

22 Q And at one point, you threw a glass at his head?

23 A I threw a glass at the wall.

24 Q Which almost hit him?

25 A Yeah.

Keves - cross - Robotti

3068

1 Q And your housemates had to ask you to stop doing that;
2 correct?

3 A Yeah. One housemate asked us to stop doing that.

4 Q That was Maya Gilbert?

5 A Yes.

6 Q And that wasn't the first time you had been throwing
7 things in the East Village residence; right?

8 A That's the only time I recall.

9 Q Had there been previous fights where that happened?

10 A Where I threw a glass?

11 Q Where you threw something on the floor or at the wall?

12 A Maybe. I don't recall throwing something another time,
13 but ...

14 Q Is it's fair to say there were troubles in the
15 relationship leading up to the breakup; right?

16 A Yes.

17 Q And he ultimately decided to stay; right?

18 A Yes.

19 Q So he chose to stay rather than keeping the relationship
20 with you?

21 A Yes.

22 Q And that was his choice; right?

23 A Yeah.

24 Q And you were upset about that at the time?

25 A I was hurt, for sure.

Keves - cross - Robotti

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1 Q And even after you left, you tried to make it work with
2 Rami; is that right?

3 A We both did, back and forth for a short time.

4 Q And about a month later, you both tried to get together
5 again; right?

6 A Yeah.

7 Q Okay. And at that point, he said that he had -- had a
8 relationship with his ex-girlfriend. Do you remember that?

9 A Yeah.

10 Q And you were furious and you stormed out; correct?

11 A Yeah.

12 Q So, again, there's a lot of independent problems here in
13 this relationship aside from OneTaste; right?

14 A Well, there's no relationship with Rami beside OneTaste.
15 It was all within OneTaste.

16 Q Sure. But the problems in the relationship were
17 independent; correct?

18 A No, there was no independence of the relationship outside
19 OneTaste. The relationship happened in OneTaste.

20 Q Now, regardless of OneTaste, you and Rami were fighting
21 and he had a relationship with somebody else; correct?

22 A Yeah.

23 Q Now, is it fair to say perhaps your friends at OneTaste
24 were perceiving some of the problems in this relationship?

25 A Yeah, everybody lived together.

Keves - cross - Robotti

3070

1 Q Okay. And that's why they were questioning whether the
2 relationship was something that you wanted?

3 A I don't know why they were questioning -- I mean, can you
4 ...

5 Q Is it fair to say as a result of the problems your
6 friends at OneTaste were perceiving, that led to some of those
7 questions about the relationship?

8 MS. FARRELL: Objection.

9 THE COURT: Sustained.

10 Q Now, you later learned that Rami got together with Aubrey
11 Fuller; right?

12 A Yes.

13 Q And that's while they were both still at OneTaste;
14 correct?

15 A Yes.

16 Q And Aubrey told you about that?

17 A Yes.

18 Q Is it fair to say that's something that made you jealous?

19 A Yes.

20 Q And this is the same Aubrey Fuller that you've testified
21 about today; right?

22 A Yes.

23 Q Now, she's the one that you said pressured you into
24 opening up a credit card to pay for OneTaste's courses; is
25 that right?

Keves - cross - Robotti

3071

1 A Yes, that was before.

2 Q Okay. And today, you're blaming her for your decision to
3 open up a credit card; is that right?

4 A I'm just recalling the facts, but she suggested I open a
5 credit card and I did it -- but I did it, yes.

6 Q It was your choice to open the credit card; right?

7 A I opened the credit card.

8 Q And your testimony is not that Rachel Cherwitz asked you
9 to open a credit card?

10 A Correct.

11 Q And it's not that Nicole Daedone asked you to open a
12 credit card?

13 A That's right.

14 Q And you actually thought a lot about how to pay for your
15 courses at OneTaste; correct?

16 A Did I think a lot about it? I mean, they were expensive,
17 so yeah.

18 Q During your time at OneTaste, you evaluated your
19 finances; correct?

20 A Yeah.

21 Q And you thought a lot about how to come up with a plan
22 for how to pay for those courses; correct?

23 A Yes.

24 Q And that's a conversation you had with Marissa Ward, for
25 instance; right?

Keves - cross - Robotti

3072

1 A Probably.

2 Q And Marissa Ward was a salesperson at OneTaste; correct?

3 A Yes.

4 Q And you talked with her about the fact that you were
5 thinking of applying for a business credit card; right?

6 A Maybe. Yeah.

7 Q Right?

8 And another plan that you had was to try to pay for
9 the courses through your own coaching business; is that right?

10 A Yes.

11 Q And you were hoping to get a few clients a month, so that
12 you would be able to use that income to pay for the courses;
13 is that right?

14 A Yes.

15 Q So you were thinking through your finances and how to pay
16 for this; right?

17 A Yes.

18 Q The only option for you was not to go into credit card
19 debt; correct?

20 A Correct.

21 Q And if you did open a credit card, that was a choice you
22 made after carefully thinking about it; right?

23 A I opened the credit card, yes. I made the decision to do
24 that.

25 Q It's fair to say you were in charge of your own personal

Keves - cross - Robotti

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1 finances?

2 A Yes.

3 Q You were an adult at the time?

4 A I was.

5 Q You knew OneTaste was a for-profit company?

6 A Yes.

7 Q And you wanted to buy its products; right?

8 A Yes.

9 Q And that's because you were excited about the OM
10 practice?

11 A It's in part, but it was also that was the culture, that
12 was the environment. You just kept buying courses and you had
13 to figure out how to do it.

14 Q You had to figure out how to do it; right?

15 A Yes.

16 Q You looked at your finances and made a careful decision
17 about whether or not to spend the money?

18 A Yes.

19 Q Okay. And you also had a significant safety net at the
20 time; right?

21 A Well, I had spent all of my savings.

22 Q All right. But if you got into too much debt, you could
23 turn to your parents or your sister or your brother-in-law; is
24 that right?

25 A Well, their money is not my money. I did get into

Keves - cross - Robotti

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1 significant debt and then I worked myself out of it.

2 Q Correct.

3 But if you had too much debt or needed a place to
4 stay, you had places to go?

5 A I had a place to stay, yes, with my sister.

6 Q And you lived there rent-free before; right?

7 A Yes. Well, I was nannying. I was an in-house nanny. So
8 yes, I took care of my nieces there.

9 Q Okay. So that was like a work trade situation? You
10 provided nanny services and in exchange, you got a place to
11 live?

12 A Yes.

13 Q Now, you testified on direct examination that you were
14 upset that you had been called some names; is that right?

15 A Uh-hum.

16 Q And one of the events that you testified about was this
17 New Year's Eve retreat; is that correct?

18 A Yes.

19 Q And you testified about some names that Rachel called you
20 during that; correct?

21 A Yes.

22 Q And that was a communications exercise; right?

23 A Yes.

24 Q And the purpose of that exercise was to push boundaries;
25 correct?

Keves - cross - Robotti

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1 A Yeah.

2 Q And you had been advised repeatedly in consent forms;
3 correct?

4 A Well, at that point, I had only signed, you know, it was
5 early on. I began in November and it was December, but, yes,
6 I signed the consent form --

7 Q Right.

8 A -- for that course.

9 Q So you had signed the consent form and you knew the
10 purposes of these courses was to push boundaries; right?

11 A Yes.

12 Q And to explore sexual boundaries; right?

13 A Yes.

14 Q And to identify problems and help you work through them;
15 right?

16 A Yes.

17 Q And you knew that one of the ways that OneTaste did that
18 was to be direct and confrontational; correct?

19 A Yes.

20 Q And, so, despite knowing that, you were upset that Rachel
21 was directly confrontational with you?

22 A Yes.

23 Q Now, you talked about some spreadsheets that OneTaste
24 maintained; is that right?

25 A Uh-hum.

Keves - cross - Robotti

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1 Q And some of these spreadsheets were maintained in what's
2 called Salesforce; is that correct?

3 A Yes.

4 Q And Salesforce is a company that supports many sales
5 companies; is that right?

6 A I believe so.

7 Q And it helps them track customer information?

8 A Okay.

9 Q Is that what the purpose of the spreadsheets were for?

10 A Yes.

11 Q Okay. And the purpose of keeping information on sales
12 targets is so that people can remember details about potential
13 customers; is that right?

14 A Okay. Yes.

15 Q And that's so you can connect with the customer next time
16 you talk to them; right?

17 A Uh-hum.

18 Q Is that yes?

19 A Yes.

20 Q Sorry. Just for the court reporter, you have to say yes
21 or no.

22 A Yes.

23 Q And that's a common sales technique; right?

24 A I don't know. I've only worked -- I hadn't worked in
25 sales.

Proceedings

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1 THE COURT: Mr. Robotti, I don't want to cut you off
2 if you're kind of in mid-topic, but we are going to have to
3 break for lunch and because we're starting at -- excuse me,
4 ending earlier today, I want to take a lunch break soon.

5 MR. ROBOTTI: Yes, Your Honor. I don't think I have
6 much left, but I think it would be a good point.

7 THE COURT: Is this a good time?

8 MR. ROBOTTI: Yes. Uh-hum.

9 THE COURT: Okay.

10 So the witness can step down.

11 (Witness steps down.)

12 THE COURT: Okay. I'm just going to ask the jury to
13 come back at 1:35, so 55 minutes from now.

14 Enjoy your lunch. Don't talk about the case. Keep
15 an open mind, and I will see you at 1:35.

16 (Jury exits.)

17 THE COURT: I will let you go.

18 Just approximately how much longer, Mr. Robotti?
19 You said you didn't have too much.

20 MR. ROBOTTI: I think less than 15 minutes, Judge.

21 THE COURT: Ms. Bonjean, do you have an estimate?

22 MS. BONJEAN: I can't imagine I would be more than
23 15 or 20 minutes myself.

24 THE COURT: Okay.

25 MS. BONJEAN: I would appreciate if we could have a

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1 couple minutes before the jury comes back after lunch. I would
2 like to raise a motion with the Court.

3 MS. BENSING: And, Your Honor, I just wanted to flag
4 because the next witness will be Mr. Kandell, it sounds like
5 we may actually be able to at least start his examination
6 today.

7 THE COURT: Okay.

8 MS. BENSING: I'm wondering if the Court would want
9 him here before the lunch break ends and we can do that
10 portion of his --

11 THE COURT: I'm not going to take him out of order
12 to do that portion. If this witness is still on, we'll
13 finish; however, I think we can do that portion after three
14 o'clock though, because there is a certain portion that needs
15 to happen outside the presence of the jury; right?

16 MS. BENSING: No. I think it just depends if we're
17 -- if we end with this witness by 2:15 or something like that,
18 then we would want to start.

19 THE COURT: Yes. Yes. No, I agree. I thought you
20 were asking me something different.

21 MS. BENSING: No, no. So then I guess we will just
22 excuse the jury for a short time period.

23 THE COURT: Yes. But I won't keep the jury past
24 3:00, having told them that they can go at 3:00.

25 MS. BENSING: Of course.

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1 THE COURT: So if we're getting -- if it looks like
2 it could go beyond that, I don't want to do it at that time.

3 MS. BENSING: Of course. Of course.

4 THE COURT: So I will see everyone a few minutes
5 before 1:35 then.

6 (Lunch recess.)

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Proceedings

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1 AFTERNOON SESSION

2 (In open court; jury not present.)

3 THE COURTROOM DEPUTY: All rise.

4 You may be seated.

5 THE COURT: Okay. We have everyone back. The jury
6 is here, but I know Ms. Bonjean wanted to be heard on a
7 motion.

8 Go ahead, Ms. Bonjean.

9 MS. BONJEAN: I do.

10 At this point, the defense would be making a motion
11 for a mistrial based on testimony of the last witness, Ms.
12 Keves, over defense objection multiple times that were
13 overruled, was permitted to testify or at least get out in a
14 very obvious way impermissible hearsay that violated Rules of
15 Hearsay as well as the Confrontation Clause as it relates
16 to -- and an objection that I didn't get on the record at the
17 time because the Court screamed at me.

18 THE COURT: The Court has not screamed at you. I
19 don't appreciate you trying to make a false record.

20 Go ahead. Go ahead.

21 MS. BONJEAN: I'm going to make my record because
22 that's my job, and I was trying to provide --

23 THE COURT: Please lower your voice.

24 MS. BONJEAN: And you did yell at me, as you've done
25 many times throughout this trial.

1 THE COURT: Ms. Bonjean, please lower your voice.

2 MS. BONJEAN: My voice is no lower -- no higher than
3 your's has been consistently.

4 THE COURT: Ms. Bonjean, please lower your voice.
5 You can say substantively what you want to say.

6 MS. BONJEAN: Okay. And I'm going to.

7 And what I'm saying is that at the time, I
8 anticipated very keenly that she was going to testify about
9 what the hypnotherapist had told her about the organization,
10 and we made multiple objections. They were overruled.

11 And then, eventually, the Government was able to get
12 out -- and it is here in black and white -- that -- that --
13 and that she was -- she was able to get out -- she was able to
14 testify that Mr. Elias told her about the cycle of abuse that
15 she has basically -- and then, I checked it again. At that
16 point, the Court sustained it.

17 Of course, the harm has been done because the jury
18 has now heard cycle of abuse.

19 THE COURT: Did you ask for the testimony to be
20 stricken at that time?

21 I don't believe you did.

22 MS. BONJEAN: Well, you know what, Judge? When
23 you're getting screamed at, it's --

24 THE COURT: Ms. Bonjean, you're trying to make a
25 false record.

1 MS. BONJEAN: I'm not.

2 THE COURT: Ms. Bonjean, Ms. Bonjean, your voice is
3 very loud. And I'll hear you out now, but the jury is
4 waiting.

5 So, do you have more on your mistrial motion?

6 MS. BONJEAN: I do. And the Court responded, as I
7 said, I'm going to object also on the grounds. I didn't even
8 get another basis out.

9 THE COURT: I had already sustained the objection.
10 The objection was sustained, not overruled.

11 MS. BONJEAN: Your Honor, the Second Circuit will
12 not assume the basis for my objection. In fact --

13 THE COURT: But you were sustained, Ms. Bonjean, not
14 overruled.

15 MS. BONJEAN: I understand.

16 THE COURT: You wanted to then pollute the jury with
17 additional information and opinions.

18 MS. BONJEAN: No. Absolutely not. Absolutely not.

19 THE COURT: You wanted to mention expert in front of
20 the jury after I had sustained your objection.

21 MS. BONJEAN: No, I didn't.

22 THE COURT: I know what you were trying to do, Ms.
23 Bonjean.

24 Is there anything else you'd like to raise?

25 MS. BONJEAN: You're not in my mind, and you don't

1 know what I'm doing.

2 THE COURT: You're screaming right now.

3 MS. BONJEAN: No, I'm not. And I would like to
4 finish my thought. I would like to finish my thought.

5 THE COURT: Lower your voice and finish your
6 thought.

7 MS. BONJEAN: The Second Circuit has held in *Ryan*
8 *versus Miller* that testimony need not contain an explicit --

9 THE COURT: The court reporter also needs to be able
10 to take you down.

11 MS. BONJEAN: The Second Circuit has held that
12 testimony need not contain an explicit accusation in order for
13 it to be excluded under the Sixth Amendment Confrontation
14 Clause or on hearsay grounds.

15 And what led up there is that it was very clear to
16 the jury, even before she said cycle of abuse, that this
17 doctor had told Ms. Keves that OneTaste was either a cult or
18 had some type of negative -- it was some type of bad place
19 that was communicated to the jury through a doctor.

20 I did object at least two times when it was on its
21 way out of her mouth and the Court overruled it. Then she
22 gets it out. Then the Court sustained it after, and I was
23 trying to also object on the basis not just from that
24 question, but from the whole line of questioning that this was
25 also improper expert testimony.

1 THE COURT: You have to object to a question, not a
2 line of questioning, and I had already sustained your
3 objection. So everything else was just improper to raise
4 before the jury.

5 But let's go back to the testimony. The testimony,
6 I believe -- and you can correct me or the Government can
7 correct me -- was that this particular hypnotherapist, Elias,
8 I believe, was someone who was presenting at a program of
9 OneTaste.

10 Is that correct?

11 MS. FARRELL: Yes, Your Honor.

12 THE COURT: Okay. And made whatever comment he made
13 that led this victim to think -- this victim-witness to think
14 that he was perhaps someone she could reach out to about her
15 own concerns.

16 Do I have that testimony? I'm paraphrasing, of
17 course.

18 MS. FARRELL: Yes, Your Honor.

19 MS. BONJEAN: Okay.

20 THE COURT: Okay. So on that record, you know, I
21 made the rulings I did.

22 MS. BONJEAN: On that record, it is still wildly
23 inappropriate to leave the jury with information that he told
24 her at some later point in a private conversation with this
25 witness, not a victim-witness, frankly, that he had an opinion

1 that this was a cycle of abuse here, that there were high
2 pressure sales tactics that were abusive and that was what was
3 left with the jury.

4 The record will speak for itself.

5 THE COURT: Yes, it will.

6 She was asked about why she did certain things or
7 why she felt a certain way, if I recall correctly.

8 Ms. Farrell, do you want to respond?

9 MS. FARRELL: That's correct.

10 I asked: Did he tell you something that had a
11 substantial effect on you? Did the thing he told you cause
12 you to take action?

13 THE COURT: Correct. And that is a proper purpose
14 for it.

15 Your mistrial motion is denied.

16 MS. BONJEAN: I'm not done.

17 THE COURT: Go ahead.

18 MS. BONJEAN: Okay.

19 And the Court can disagree with me about what was
20 signaled to the jury, but I am going to make the record that
21 it's been more than one.

22 I am permitted to make a record to say that I
23 believe it's been signaled to the jury that the Court does not
24 appreciate when we are doing our job of making objections.

25 And I was not trying to make a speaking objection.

1 I was trying to provide a basis which the Second Circuit has
2 cited --

3 THE COURT: The court reporter is having trouble
4 taking you down because of the tone and the pace, I believe.
5 I won't speak for her, but if you would just make --

6 MS. BONJEAN: Hopefully, there's some audio
7 recordings we can get for these proceedings.

8 THE COURT: Well, if anyone's improperly recording
9 in here which --

10 MS. BONJEAN: No.

11 THE COURT: -- there was an incident before.
12 Why don't you go ahead.

13 MS. BONJEAN: I was talking about the court
14 reporter. I was not talking about anybody else, for the
15 record, to be clear, in any event.

16 So that's the basis for my objection on those
17 grounds.

18 And I do think I the record will reflect that it has
19 been signaled to the jury -- and I'm not saying not
20 necessarily intentionally -- but that the Court has
21 essentially interfered with our ability to object.

22 The Court does not hold sidebars, which is unusual.

23 THE COURT: That is not correct, Ms. Bonjean. You
24 can try to create a false record, but that is not correct.

25 What I had said previously -- first of all, we had a

1 sidebar -- but what I had said previously is that typically,
2 they're not necessary. I don't want to waste the jury's time.

3 And the reason they are not typically necessary is
4 because we are together for a long day. You can raise issues
5 in the morning, at a break, at lunchtime. We are doing it
6 now. We're keeping the jury waiting, but I think this is
7 important to have this conversation now.

8 But there is no prohibition against sidebars if they
9 are appropriate and required and necessary and are on issues
10 that cannot be anticipated.

11 So, you know, this notion of making a record doesn't
12 mean anyone gets to say whatever they want to say. And, you
13 know, the Court has an obligation to make sure that this trial
14 is running appropriately and, you know, that doesn't mean the
15 parties get to say whatever they want, whenever they want in
16 whatever tone they want.

17 So is there anything substantively more on your
18 mistrial motion?

19 MS. BONJEAN: This is substantive.

20 THE COURT: Go ahead.

21 MS. BONJEAN: The Court yelled at Ms. Cohen
22 yesterday for yelling at a witness when she did not yell at a
23 witness.

24 THE COURT: Well, you know what? She was very loud,
25 and yes. You know what? She -- she, after that, didn't do it

1 again.

2 And, you know, look. Look, this is a waste of the
3 jury's time right now. You made a mistrial motion. Do you
4 have anymore substantive you'd like to say?

5 MS. BONJEAN: Yes, I do.

6 THE COURT: Okay. Go ahead.

7 MS. BONJEAN: And the question is, what about my
8 clients? I know the jury has to wait an extra five minutes,
9 but I'm concerned about my client right, and that seems to be
10 lost in all of this.

11 THE COURT: No, it's not lost. I think you're
12 trying to create a false record here.

13 So, in any event, does the Government have a
14 response?

15 Go ahead.

16 MS. BENSING: Your Honor, I do think that the Court
17 has been sustaining objections for both parties, as is the
18 Court's job.

19 MS. BONJEAN: I have another motion to make.

20 THE COURT: Yes?

21 So let me just ask, is Ms. Cohen joining in on
22 behalf of Ms. Cherwitz on the mistrial motion?

23 MS. COHEN: Yes, Your Honor.

24 THE COURT: Okay. And the mistrial motion is
25 denied. It's without merit.

1 Go ahead. What else do you have?

2 MS. BONJEAN: The other issue, Your Honor, is
3 through -- and Mr. Robotti can also elaborate on this.

4 On the cross-examination that was done of Ms. Keves,
5 the Court precluded her from testifying about statements that
6 she made to Ms. Daedone about how she felt about the OM
7 practice at OneTaste. This has been sort of a common theme
8 that we've not been able to elicit testimony that goes to the
9 state of mind not only of the witness at the time --

10 THE COURT: Tell me exactly the statement you're
11 talking about, the testimony.

12 MS. BONJEAN: Go ahead.

13 MR. ROBOTTI: Your Honor, I think that the testimony
14 that Ms. Bonjean is referring to was the audio recording of
15 Ms. Keves speaking to Ms. Daedone at the teaching program.

16 THE COURT: But that's the one I don't have, though,
17 right?

18 MR. ROBOTTI: We handed up the transcript of it.

19 THE COURT: Right. But I don't have the video. I
20 think you said you would move on to something else. Is that
21 the one?

22 MR. ROBOTTI: That was the later one.

23 There was a statement -- and then I had her recount
24 the statement orally that she made to Ms. Daedone.

25 THE COURT: YES.

1 MR. ROBOTTI: And I think that from the perspective
2 of the defense is that not only the oral testimony should be
3 coming in but also the recording that at the time of the
4 witness making the statement, because that goes to the state
5 of mind of the defense when they are hearing from these
6 witnesses that they are having a good time, they want to be
7 there, they enjoy the practice. That shows that they do not
8 believe that those witnesses are being forced.

9 And I do agree with Ms. Bonjean that we have tried
10 repeatedly to get statements of the witnesses in at the time
11 for that very purpose.

12 THE COURT: Okay. But part of what is an issue here
13 is that there seems to be some inability to properly refresh
14 someone's recollection, so sometimes it appeared that you are
15 setting up for refreshing your recollection, and maybe your
16 trying to do something else, but it is not clear. It seems
17 like you are reading documents that are not in evidence to a
18 witness and saying hey, did you say that.

19 MR. ROBOTTI: Your Honor, I think the foundation
20 that I laid there in that instance was asking the witness
21 whether she was at a program with Ms. Daedone, asking her
22 whether at that program she stated that the practice was
23 beneficial, and then asking to play the recording to verify
24 that the recording, or the working transcript were those
25 statements. I think that those should be coming into evidence

1 as substantive evidence of what is being said to the
2 defendants at the time. It goes directly to their state of
3 mind and intent.

4 THE COURT: Let me hear from the Government in
5 response on this one.

6 MS. FARRELL: Well, on that particular one, I did
7 object properly, I believe, because the predicate question was
8 did you share that the practice of OM had benefited you.

9 THE COURT: Yes, I'm remembering now. Yes. It was
10 the problem with the question was not meeting a video. That
11 was the problem on that one.

12 MS. FARRELL: The transcript has nothing to do with
13 the practice of OM,.

14 THE COURT: Correct.

15 MS. FARRELL: It was about how she's feeling. She
16 used to feel small and miserable and now she's having more
17 fun. So, no dispute she was sharing her feelings with Nicole
18 Daedone, but it wasn't about how the practice of OM has
19 benefited that was the purpose of the objection.

20 THE COURT: I remember that now. You're still on
21 cross-examination.

22 MR. ROBOTTI: I understand, Your Honor. I do think
23 the same issue comes up with the recording that was sent to
24 Ms. Cherwitz where the witness is dancing around in an orgasm
25 state T-shirt and saying that they're having a great time.

1 The fact that it was sent to Ms. Cherwitz at the time --

2 THE COURT: It's the foundation I think that you're
3 laying. You might want to go back and think about how you're
4 asking the questions. You're still on cross-examination.

5 MR. ROBOTTI: I understand. I just think that this
6 has come up several times.

7 THE COURT: You have to ask the right questions,
8 right. And the witness, more importantly, has to be
9 responding in a particular way because it seems like you know
10 what you are trying to do, but you're not necessarily getting
11 the right answers out of the witness or maybe not asking the
12 right question.

13 But you are still on cross-examination. You can
14 attempt to lay the proper foundation.

15 MS. BONJEAN: We should not be having to get in
16 testimony by getting them to admit things just through
17 refreshing.

18 THE COURT: No, I agree with you. But you have to
19 have a proper way of getting the evidence in otherwise. And
20 if you are going down the path of refreshing recollection and
21 then you switch to something else, you're asking if a
22 witness's recollection needs refreshing, I just think you need
23 to be careful with your questions.

24 Anything else on this topic?

25 You're still, Mr. Robotti, on cross-examination.

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1 Does the Government wish to be heard on anything
2 before we bring the jury back?

3 MS. FARRELL: No, thank you, Your Honor.

4 THE COURT: Okay. Let's bring them in and let's
5 bring back the witness.

6 (Continued on next page.)

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L. Keves - Cross/Mr. Robotti

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1 (Witness takes the witness stand.)

2 (Jury enters courtroom at 1:48 p.m.)

3 THE COURT: Everyone may be seated. I hope you
4 had a good lunch.

5 THE WITNESS: Mr. Robotti, you may continue your
6 examination.

7 CROSS-EXAMINATION

8 BY MR. ROBOTTI:

9 (Continuing.)

10 Q Good afternoon, Ms. Keves.

11 A Good afternoon.

12 Q Have you met with the Government before today?

13 A Yes.

14 Q How many times?

15 A You mean like spoken with the FBI agents?

16 Q How many times have you met with the prosecutors who
17 are sitting at this table and the FBI agents?

18 A Once in person, I guess a few times on the phone.

19 Q And, in fact, you've spoken with them between five and
20 ten times; is that fair to say?

21 A Probably, yeah.

22 Q Did they go over your testimony here today?

23 A Yes.

24 Q So you prepared with them for your testimony today?

25 A Yes.

L. Keves - Cross/Mr. Robotti

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1 Q Before the break, I played for you, or showed a
2 transcript of a February 2017, coaching circle with Nicole;
3 do you recall that?

4 A Yes.

5 Q And you remember that coaching circle?

6 A Yes.

7 Q And during that coaching circle, you told Ms. Daedone
8 how beneficial your time at One Taste had been; do you
9 recall that?

10 A Yes.

11 Q And you said that you had come through the door a
12 little over two months ago and your live was completely
13 different now; do you recall that?

14 A Yes.

15 MR. ROBOTTI: Your Honor, at this time, the
16 defense moves Defense Exhibit FD.

17 THE COURT: Now, that you've given to me I can
18 listen to it.

19 Is it audio or video?

20 MR. ROBOTTI: It's an audio recording.

21 THE COURT: You have it made.

22 MR. ROBOTTI: FD-1 is a clip of FD.

23 THE COURT: Let me see if you've given me that.

24 Okay. Give me a minute then. Just audio,
25 correct.

L. Keves - Cross/Mr. Robotti

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1 MR. ROBOTTI: Just the audio, your Honor.

2 THE COURT: Give me one moment.

3 (A brief pause in the proceedings was held.)

4 THE COURT: So tell me, Mr. Robotti exactly, what
5 you're offering. The clip?

6 MR. ROBOTTI: The clip FD-1 and the transcript
7 which is FD-T or, I apologize, FD-1-T for the affect on the
8 listener, your Honor.

9 THE COURT: Are you offering the transcript as an
10 aid to the jury or as an exhibit?

11 MR. ROBOTTI: As an aid to the jury, your Honor.

12 THE COURT: Any objection?

13 MS. FARRELL: Yes, Your Honor. Objection on the
14 basis of hearsay and improper foundation.

15 THE COURT: I'll sustain the objection but I'll
16 allow to you ask some more foundational questions.

17 EXAMINATION BY

18 MR. ROBOTTI:

19 (Continuing.)

20 Q Now, Ms. Keves, do you recall at this time what you
21 explained to Ms. Daedone?

22 A You're referring to the clip you had me listen to
23 earlier.

24 Q Did the clip you listened to a moment ago refresh your
25 recollection?

L. Keves - Cross/Mr. Robotti

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1 A I didn't listen to anything a moment ago. There was
2 nothing playing a moment ago.

3 Are you talking before the break?

4 Q Before the break.

5 A Yes.

6 Q During the coaching circle; do you recall that?

7 A Yes.

8 Q Do you recall what you said to Ms. Daedone at that
9 time?

10 A Yes.

11 Q And what did you say?

12 A I was talking about how Om had changed my life and
13 being a part of the organization had changed my life.

14 MR. ROBOTTI: Based on that foundation, your
15 Honor, we renew our request to admit Defense Exhibit 9FD-1
16 for the effect on the listener.

17 MS. FARRELL: Same objection. I don't think she's
18 testified about it. She wasn't even able to hear the clip
19 that they're moving in, she just testified.

20 THE COURT: Yes, I'm going to sustain it.

21 Do you want to listen to it again and you can ask
22 more questions.

23 MR. ROBOTTI: I believe she testified she recalled
24 listening to it before the break.

25 THE COURT: I know that was a while ago.

L. Keves - Cross/Mr. Robotti

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1 MR. ROBOTTI: Can we play for the witness again
2 9FD-1.

3 THE COURT: Just the shorter clip, right?

4 MR. ROBOTTI: Yes.

5 THE WITNESS: I'm not hearing anything. Nothing.

6 MR. ROBOTTI: I'm going to approach with the
7 transcript, your Honor.

8 THE COURT: Sure.

9 A I hear it now.

10 (Audio file played for the witness only.)

11 Q Ma'am, do you recognize your voice on that clip?

12 A Yes.

13 Q Do you recognize Ms. Daedone's voice on that clip?

14 A Yes.

15 Q And, again, during that clip, did you tell Ms. Daedone
16 how beneficial the practice had been for you?

17 A Yes.

18 MR. ROBOTTI: Your Honor, we renew our request to
19 admit Defense Exhibit 9FD-1 for the effect on the listener.

20 MS. FARRELL: We object to improper foundation.

21 THE COURT: Overruled. Not Defense Exhibit 9FD-1
22 is admitted and are you still seeking to admit -- offer the
23 transcript as an aid to the jury.

24 MR. ROBOTTI: Yes, Your Honor.

25 THE COURT: So any objection to that?

L. Keves - Cross/Mr. Robotti

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1 MS. FARRELL: No, Your Honor.

2 THE COURT: So Defense Exhibit FD-1, I'm sorry,
3 it's FD-1-T.

4 MS. FARRELL: 9FD-1.

5 THE COURT: I'm sorry. Okay. This is a very
6 strange numbering system but we're working with it.

7 9FD-1-T is admitted as an aid to the jury.

8 (Defendant's Exhibit 9FD-1-T was marked in
9 evidence.)

10 MR. ROBOTTI: Can we play that audio clip for the
11 jury?

12 (Audio file played in open court.)

13 (Audio file concludes.)

14 EXAMINATION BY

15 MR. ROBOTTI:

16 (Continuing.)

17 Q All right. Just to be clear, you recognized your voice
18 there at the end as the one saying, Yeah, things are
19 different. I feel really good.

20 A Yes.

21 Q Do you also remember before the break that you watched
22 a video of you and your housemates saying, Hi, Rachel?

23 A Yes.

24 Q And you saw yourself on in that video?

25 A Yes.

L. Keves - Cross/Mr. Robotti

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1 Q You saw your housemates in that video?

2 A Yes.

3 Q And you understood the purpose of that video was to
4 send it to Rachel; correct?

5 A Yes.

6 MR. ROBOTTI: Your Honor, based on the witness's
7 previous viewing of the video and that foundation, we move
8 Defense Exhibit 9DP for the effect on Ms. Cherwitz.

9 THE COURT: Any objection?

10 MS. FARRELL: Yes, foundation.

11 THE COURT: I need you to give me a few more
12 words.

13 MS. FARRELL: Sure. I don't think -- so she's
14 testified that it's a true and accurate copy of anything
15 which is sort of an obvious one.

16 THE COURT: Okay. I will.

17 MS. FARRELL: One more thing.

18 THE COURT: Yes.

19 MS. FARRELL: I don't think it's been established
20 it was sent to Ms. Cherwitz.

21 THE COURT: I'm going to sustain the objection and
22 allow you to ask some more questions if you wish.

23 MR. ROBOTTI: Yes, Your Honor.

24 Q Ms. Keves, is that a true and accurate depiction of you
25 and your housemates singing and dancing and saying hello to

L. Keves - Cross/Mr. Robotti

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1 Rachel?

2 A Yes.

3 Q And, to your knowledge, you said the purpose of that
4 video was to send to Ms. Cherwitz; correct?

5 A I believe so, yes.

6 Q And do you know who recorded the video?

7 A I don't.

8 Q Do you know whether it was, in fact, sent to her?

9 A I don't.

10 MR. ROBOTTI: Your Honor, we still renew our
11 proffer based on the purpose of it was to be sent to
12 Ms. Cherwitz.

13 MS. FARRELL: Objection.

14 THE COURT: Sustained.

15 Q All right. Ms. Keves, before the break, you were
16 testifying about the sales practices of One Taste; do you
17 recall that?

18 A Yes.

19 Q And you said that the company collected information
20 about its potential customers' desires; do you recall that?

21 A Yes.

22 Q And this was a sales tactic that was taught to
23 One Taste by an outside consultant; do you recall that?

24 A No.

25 Q Do you understand that One Taste collected that

L. Keves - Cross/Mr. Robotti

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1 information because it was a company focused on sexual
2 wellness?

3 A Yes.

4 Q So the relevant information to discuss with customers
5 had to do with sex; right?

6 A Including that, yes.

7 Q Okay. And that helped salespeople connect with
8 customers and assess which One Taste product might be right
9 for them; correct?

10 A Yeah.

11 Q Okay. You didn't like the sales practices at
12 One Taste; correct?

13 A Correct.

14 Q And so, after about 90 days or less you quit; right?

15 A Yes.

16 Q You left and you got another job at a restaurant;
17 right?

18 A Yes.

19 Q And that was a decision you were able to make; correct?

20 A Correct.

21 Q All right. You testified that you didn't like the
22 dress code; right?

23 MS. FARRELL: Objection.

24 THE COURT: Yes, sustained.

25 Q You also testified regarding the dress code at

L. Keves - Cross/Mr. Robotti

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1 One Taste?

2 A Yes.

3 Q You testified that you had to wear a black skirt and
4 heels; is that right?

5 A Yeah, we were encouraged to dress sexy.

6 Q Okay. Had you ever worn a black skirt and heels
7 outside One Taste?

8 A Yes.

9 Q Can we Agree that companies often have standards for
10 dress and appearance?

11 A Yes.

12 Q The UPS guy has to wear a brown shirt?

13 A Yes.

14 Q The New York Yankees have to wear pinstripes?

15 A Yes.

16 Q Okay. So it's not unusual that One Taste would have a
17 dress code; right?

18 A No.

19 Q And, in fact, One Taste had a written policy requiring
20 appropriate attire and grooming; do you recall that?

21 A No.

22 Q Do you recall that it had a policy under which
23 management reserved the right to object to any aspect of
24 your dress and hygiene; do you recall that?

25 A No.

L. Keves - Cross/Mr. Robotti

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1 Q Do you recall that any employee who was improperly
2 dressed will be counseled and may be sent home to change to
3 suitable clothes?

4 A I don't recall.

5 Q Okay. Fair to say if you didn't like the dress code
6 policy you could leave and get another job?

7 A Yes.

8 Q And you ultimately did that; right?

9 A Correct.

10 Q Okay. You testified that you didn't like One Taste's
11 teachings on monogamy; is that right?

12 MS. FARRELL: Objection.

13 THE COURT: Yes, sustained.

14 Q You testified regarding One Taste's teachings on
15 monogamy; do you recall that?

16 A Yes.

17 Q Okay. Fair to say you joined an organization focused
18 on sexual exploration?

19 A Yes.

20 Q And after you joined that company, you immediately got
21 into a monogamous relationship; right?

22 A Yes.

23 Q And you knew, based on your experience at One Taste,
24 that most people had multiple sexual partners; is that
25 right?

L. Keves - Cross/Mr. Robotti

3105

1 A Yeah.

2 Q And that was part of the exploration process; correct?

3 A Yes.

4 Q And most of the people you were interacting with are
5 Omning with multiple partners; is that fair?

6 A Yes.

7 Q So it's no surprise that people within the company may
8 not share the same views as you on monogamy; right?

9 A Right.

10 Q And this is the company that you signed up to work
11 with; right?

12 A That's right.

13 Q You testified you didn't like working long hours at
14 One Taste; correct?

15 MS. FARRELL: Objection.

16 THE COURT: Yes, sustained.

17 Q You testified that you worked long hours on the sales
18 team at One Taste; correct?

19 A Yes.

20 Q And that was something that you did not like doing;
21 correct?

22 A Correct.

23 Q Okay. Now, it's true that you were responsible for
24 entering your time while you were at One Taste; right?

25 A Mm-hmm.

L. Keves - Cross/Mr. Robotti

3106

1 Q Is that yes?

2 A Yes.

3 Q Okay. You had to enter how many hours you work;
4 correct?

5 A Yes.

6 Q And is it fair to say that you entered time from about
7 August 2017 until November 2017; is that fair?

8 A Mm-hmm, why he.

9 Q Isn't it accurate that in that time period you worked
10 on a weekly basis at most between 22 and 56 hours per week?

11 A Well, what was entered wasn't always what was worked.

12 Q Okay. Well, ma'am, you were responsible for keeping
13 track of your hours; right?

14 A There was -- there were blurry lines between work and
15 other participation.

16 Q Well, you agree that you were responsible for entering
17 and submitting your hours; correct?

18 A Yes.

19 Q And that, at the most hours you entered during that
20 time period was 56 hours; is that correct?

21 A I don't know.

22 Q And the least hours you entered were 22 hours; do you
23 recall that?

24 A No, I don't.

25 Q Will your time slips refresh your recollection?

L. Keves - Cross/Mr. Robotti

3107

1 A Yes.

2 MR. ROBOTTI: Can we pull up 9K1 just for the
3 witness, please.

4 THE COURT: I'm going to need it as well. Thank
5 you.

6 Q Now, ma'am, look, at 9K1. Does that refresh your
7 recollection about the hours that you worked during this pay
8 period?

9 A Am I supposed to be seeing something?

10 Q Is it on the screen in front of you there?

11 A No.

12 Q Okay. Now, ma'am, looking at 9K1, does that refresh
13 your recollection that on your payday of September 6, 2017,
14 you worked 22 hours?

15 A I entered 22 hours.

16 Q You entered 22 hours, okay.

17 And looking at, I believe, it's 9K2, does that refresh
18 your recollection that for the payday of September 20, 2017,
19 you entered 47.5 hours?

20 A You said 9K2?

21 Q My apologies, 9K3?

22 A 9K3 says 44 hours.

23 Q Okay. And looking at 9K2, does that refresh your
24 recollection for the payday of October 20, 2017, you worked
25 56 hours?

L. Keves - Cross/Mr. Robotti

3108

1 A It says 56 hours, yes.

2 Q Okay. All right. And you made minimum wage of \$10.50
3 an hour; right?

4 A Yes.

5 Q And you didn't did think that was enough money for you?

6 A I never said that.

7 Q Fair to say if you didn't like your hours or your wages
8 you could get a different job; right?

9 A Yes.

10 Q That's a decision you ultimately made; correct?

11 A Yes.

12 Q So can we agree that you were free to come and go as
13 you pleased at One Taste?

14 A Yes.

15 Q No one locked you in anywhere; right?

16 A No.

17 Q No chains on the door?

18 A No.

19 Q If you wanted to leave go to your sister's place in
20 SOHO you could do that; correct?

21 A Yes.

22 Q You always had the ability to leave One Taste at any
23 time; right?

24 A Yes.

25 Q And when you stayed it was because you chose to stay;

L. Keves - Cross/Ms. Bonjean

3109

1 correct?

2 A Yes.

3 MR. ROBOTTI: No further questions.

4 THE COURT: Ms. Bonjean, any cross-examination?

5 MS. BONJEAN: Yes.

6 (A brief pause in the proceedings was held.)

7 CROSS-EXAMINATION

8 BY MS. BONJEAN:

9 Q Good afternoon, Ms. Keves, my name is Jennifer Bonjean
10 and I represent Ms. Daedone.

11 You heard about One Taste through your church; is that
12 right?

13 A Yes. Through somebody at my church, yes.

14 Q And that's Unity Church?

15 A Yes.

16 Q And then, as I understand it, you went and took a
17 course?

18 A Yes.

19 Q Was that the Communications Course?

20 A That was the first one, yes.

21 Q First Communications Course. Is that something you
22 paid for?

23 A The first one, no. That was a free event.

24 Q So this was, like, an introductory event that you could
25 show up for and learn more about the organization; right?

L. Keves - Cross/Ms. Bonjean

3110

1 A Yes.

2 Q And it also had a sales pitch; correct?

3 A Yes.

4 Q And I think you said that after you went to the course,
5 you weren't so sure about it; right?

6 A I mean, yeah, I was still hesitant around the practice.

7 Q You weren't immediately drawn to the practice of
8 orgasmic meditation; right?

9 A I had signed for the Intro to Ohm class before I had
10 gone to the Communications Course. So I was, yeah, I was
11 interested to know more, I was curious about it, but I was
12 also hesitant.

13 Q So let me understand the subsequent. You were
14 recommended to One Taste; right?

15 A Mm-hmm.

16 Q And I think some point you said you watched a TED Talk?

17 A Yes.

18 Q Is that after you got the recommendation from your
19 friend at the church?

20 A Yes.

21 Q Okay. And the TED Talk, these are videos; right?

22 A Yes.

23 Q And they there's lots of TED Talks; correct?

24 A Yes.

25 Q Have you watched any other TED Talks?

L. Keves - Cross/Ms. Bonjean

3111

1 A Yes.

2 Q Okay. And would you agree that TED Talks are videos
3 from sort of expert speakers from all disciplines; right?

4 A Yes.

5 Q Education, business, science, design, art, et cetera?

6 A Correct.

7 Q Okay. And the whole concept around TED Talks is
8 bringing new ideas to the public, correct?

9 A Yes.

10 Q A lot of the ideas are cutting-edge ideas; correct?

11 A Yes.

12 MS. FARRELL: Objection.

13 THE COURT: Basis.

14 MS. FARRELL: Just the witness not having personal
15 knowledge.

16 THE COURT: Overruled.

17 That means you may answer.

18 Q You watched TED Talks before; right?

19 A Yes.

20 Q You are familiar what the TED Talks are; correct?

21 A Yes.

22 Q And you watched Ms. Daedone's TED Talk on YouTube did
23 you say or on some other platform?

24 A I don't recall.

25 Q Okay. I may have assumed that, I apologize.

L. Keves - Cross/Ms. Bonjean

3112

1 And did you happen to see how many times Ms. Daedone's
2 TED Talk had been viewed?

3 A I don't recall.

4 Q Okay. And that after you watched her TED Talk, you
5 were interested in orgasmic meditation or the ideas that she
6 was espousing; right?

7 A Yes.

8 Q And to be clear, she stated in her TED Talk that it was
9 about female orgasm; right?

10 A Yes.

11 Q There was no secret there, she was very up front about
12 what her subject interest was; correct?

13 A Correct.

14 Q Okay. So after you hear Ms. Daedone's ideas about
15 orgasmic meditation, that prompted you to sign up for the
16 Intro to Ohm course; correct?

17 A Correct.

18 Q And, again, you didn't do that based on, well, you
19 didn't do it based on a sales pitch because you did it
20 online; right?

21 A Right.

22 Q And you did it just based on hearing what you heard
23 from a TED Talk; right?

24 A Right.

25 Q A TED Talk that anybody could access on the internet;

L. Keves - Cross/Ms. Bonjean

3113

1 right?

2 A Yes.

3 Q And then it sounds like before you started the
4 Intro to Ohm course, you went and took this free
5 communication course; is that right?

6 A Yes.

7 Q Okay. You wanted to make sure that this was something
8 you were still -- you wanted to learn more; right?

9 A Well, the phone, somebody calls you before each class
10 and somebody had called me to talk about what I was hoping
11 to get out of the Intro to Om class and let me know about
12 the free Communications Course.

13 Q Got it. So you signed up online; right?

14 A Yes.

15 Q And someone called you up with a follow-up kind of
16 sales call; right?

17 A Yes.

18 Q Asked you what you were looking to get out the class;
19 correct?

20 A Yes.

21 Q And then said you can always also this free course in
22 advance; right?

23 A Yes.

24 Q All right. And you understood that One Taste was a
25 sexual wellness company; right?

L. Keves - Cross/Ms. Bonjean

3114

1 A Yes.

2 Q It was a self-help company; correct?

3 A Yes.

4 Q The idea was if you wanted to go there with some desire
5 that correlated with sexual spirituality or sexual
6 exploration or however you want to define it, that was a
7 place you could go; correct?

8 A Yes.

9 Q You understood that you weren't signing up for a
10 cooking course, for instance; correct?

11 A Correct.

12 Q Okay. And then you attended the Communications Course
13 and that didn't -- that didn't deter you; right?

14 A Right.

15 Q And you said the people were nice; right?

16 A Yes.

17 Q And then I take it you then took the Intro to Ohm
18 course?

19 A Yes.

20 Q All right. And it's based on your testimony that you
21 provided on direct examination you were enjoying the course
22 and you signed up for another course pretty quickly;
23 correct?

24 A Yes.

25 Q And do you remember what the next course was that you

L. Keves - Cross/Ms. Bonjean

3115

1 signed up for?

2 A At the Intro to Ohm course, I signed up for the
3 coaching program.

4 Q That's a more intense program; correct?

5 A Yes.

6 Q And you understood that; right?

7 A Yes.

8 Q And that's sort of like a, you know, what, six-month
9 ten-month commitment type thing?

10 A Somewhere in there, yeah.

11 Q And in the process, you made some friends that you
12 liked; yes?

13 A Yes.

14 Q And at what point did you meet Roomy?

15 A Rami.

16 Q Rami, sorry?

17 A I met hem in November.

18 Q Was that in the coaching course or before?

19 A I met him in the coaching course. So it was either
20 November or beginning of December.

21 Q All right. You testified about an interaction you had
22 with Ms. Cherwitz during a New Year's Eve retreat; right?

23 A Yes.

24 Q And do you know where in your experience at One Taste
25 in that ten months or whatever it was, 11 months, that

L. Keves - Cross/Ms. Bonjean

3116

1 New Year's retreat took place?

2 A Yeah, I began in November and that retreat happened at
3 the end of December.

4 Q Okay. So, at the end of December -- makes sense -- at
5 the end of the December, you do the New Year's retreat and
6 this was also a communications-centered retreat; right?

7 A Yeah, I mean, there were always -- communication was
8 kind of always one of the topics, yes. Relationships,
9 communication, intimacy, yes.

10 Q And you talked about this exercise that you did with
11 Ms. Cherwitz, right?

12 A Mm-hmm, yes.

13 Q This is the first experience where you were like, I
14 think your words were, it was jarring, shocking, and
15 hurtful; right?

16 A Yes.

17 Q And this was the first time you had felt that way;
18 correct?

19 A Yes.

20 Q And this was an exercise called bull mating wasn't it?

21 A I don't recall the name of it.

22 Q And the whole purpose of the exercise was for your
23 partner to say something triggering to you; do you remember
24 that?

25 A I don't recall exactly. I remember it being like they

L. Keves - Cross/Ms. Bonjean

3117

1 were supposed to -- yeah, give insights into...

2 Q Because when you testified about this really seemingly
3 ugly thing that Ms. Cherwitz said to you, you didn't mention
4 that it was in the context of an exercise where the goal was
5 to say something triggering to somebody?

6 MS. FARRELL: Objection.

7 THE COURT: Sustained.

8 Q You didn't tell the jury that part; right?

9 MS. FARRELL: Objection.

10 THE COURT: Sustained.

11 Q All right. So in the context of this exercise designed
12 to trigger you --

13 MS. FARRELL: Objection.

14 Q -- I think you said?

15 THE COURT: Sustained.

16 Q Do I have that wrong? Was the exercise designed to
17 trigger each other?

18 A I don't recall the intention -- what was -- if that was
19 laid out in the directions, I don't recall.

20 Q Okay. I thought you just said a minute ago, I thought
21 you agreed with me a second ago, which one is it?

22 MS. FARRELL: Objection.

23 THE COURT: Sustained.

24 Q Do you or do you not know what the purpose of the
25 communications exercise was?

L. Keves - Cross/Ms. Bonjean

3118

1 A I don't know.

2 Q Okay. In any event, you would agree it was a
3 communications exercise?

4 A Yes, I do.

5 Q Okay. And, in the course of this communications
6 exercise, Ms. Cherwitz said something like, You're
7 irritating, you won't admit that you're, like, just a slut
8 who wants to get fucked or something like that?

9 A Yes.

10 Q And you found that jarring, shocking, and hurtful;
11 correct?

12 A Why.

13 Q You found that offensive, didn't you?

14 A I did.

15 Q Okay. I'd like to show you Defense Exhibit 9EW which
16 is in evidence.

17 If somebody could get rid of the blue things that would
18 be helpful.

19 We looked at this release of liability and course
20 agreement previously; right?

21 A Yes.

22 Q And you signed a number of these things?

23 A Yes.

24 Q Okay. And I just want to pull out if we could the
25 bottom bullet point as soon as this gets going here.

L. Keves - Cross/Ms. Bonjean

3119

1 At the very bottom bullet point.

2 Can you read that?

3 A That certain participants may make statements or take
4 actions that I disagree with or find offensive.

5 Q Right. And you assume the risk of that; right?

6 A Yes.

7 Q And you understood that these courses could be
8 provoking in that way; correct?

9 A Yes.

10 Q And also after -- you can take it down -- and after
11 hearing that, and feeling the way you did, you were
12 perfectly within your right to say this isn't for me, I
13 don't really want to have someone tell me something like
14 that; right?

15 A Yes.

16 Q But you didn't; correct?

17 A Correct.

18 Q You stuck around for several months longer; right?

19 A Yes.

20 Q In fact, you got more involved by working there;
21 correct?

22 A Yes.

23 Q And you even moved into the staff house; correct?

24 A Yes.

25 Q Also, to be clear, before you again working there, you

L. Keves - Cross/Ms. Bonjean

3120

1 were volunteering there; right?

2 A Yes.

3 Q And you understood when you volunteer you don't have an
4 expectation of getting paid; right?

5 A Yes.

6 Q Okay. So you moved in and I think you stated on direct
7 and on cross that the lines got blurred; right?

8 A Yes.

9 Q And you would agree that if you move in with your
10 employers and your co-workers that possible lines could get
11 blurry; right?

12 A Yes.

13 Q You understood you were living with your employers and
14 your co-workers; correct?

15 A Yes.

16 Q And that's because you were all living in community
17 together; right?

18 A Yes.

19 Q It was an unusual setup by at least most normative
20 standards; correct?

21 A Yes.

22 Q And you understood that this was unusual; right?

23 A Yes.

24 Q You didn't have any friends from your graduate program
25 that were living in that type of environment; right?

L. Keves - Cross/Ms. Bonjean

3121

1 A No.

2 Q Okay. Another thing you took issue with on direct
3 examination was that you felt that One Taste had discouraged
4 Rami from participating in this ayahuasca retreat in Peru;
5 right?

6 MS. FARRELL: Objection.

7 THE COURT: Sustained.

8 (Continued on the next page.)

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KEVES - CROSS - MS. BONJEAN

3122

1 (Continuing.)

2 BY MS. BONJEAN:

3 THE WITNESS: She can ask the next question.

4 Q Well, did you testify on direct that you thought that
5 OneTaste discouraged people from getting involved in
6 other -- other activities?

7 A Yes.

8 Q Okay. And the example you provided on direct
9 examination was this Ayahuasca retreat. Do you remember
10 testifying to that?

11 A Yes.

12 Q Okay. And you know that Ayahuasca is a hallucinogen,
13 right?

14 A Yes.

15 Q And you understand that OneTaste had a very strict
16 sobriety policy, right?

17 A Yes.

18 Q You had a personal interest in how to use your
19 teachings at OneTaste to help women battle eating disorders.
20 Do I have that right?

21 A Yes.

22 Q Okay. OneTaste didn't really have a program around
23 that issue, correct?

24 A Correct.

25 Q But you -- you wanted to take those learning -- those

KEVES - CROSS - MS. BONJEAN

3123

1 teachings and adapt it to something you felt pretty strongly
2 about, right?

3 A Yes.

4 Q You discussed the fact that --

5 You discussed some of the other events that you
6 thought were, quote/unquote, I think abusive. I want to ask
7 you about those, okay? We talked about the statement that
8 Rachel made in that setting.

9 I think another example you gave was that people
10 at OneTaste said you were holding Rami back because of their
11 I guess aversion to monogamy, right?

12 A Yes.

13 Q And that's something you felt was abusive?

14 A Yes.

15 Q And yet Rami, within months of getting to know you,
16 nonetheless proposed to you, right?

17 A Yes.

18 Q I think you gave another example of the abuse that you
19 felt had been imparted on you when you were out putting out
20 fliers with, I don't know if it was somebody else, and you
21 returned, and Aubrey said you guys couldn't eat because
22 you're slowing down the flow of energy, right?

23 A Yeah.

24 Q Okay. Because there was an event coming up; was that
25 right?

KEVES - CROSS - MS. BONJEAN

3124

1 A Yeah.

2 Q Okay. And you didn't say, listen, I need to take a
3 minute and eat, right?

4 A I don't recall what I said.

5 Q Okay. Did anything else happen in that exchange that
6 you found to be abusive?

7 A No.

8 Q All right.

9 Another example of the abuse you said you suffered
10 was a situation where there was an event and you were
11 working the back of the house, and Rachel was upset that
12 there were not more sales being made, right?

13 A Yes.

14 Q And then she got everyone in the back by the kitchen
15 and berated everybody for there being no sales, right?

16 A Yes.

17 Q Okay. And her voice was raised, correct?

18 A Yes.

19 Q Anything else happen in that moment that was abusive
20 other than what you describe?

21 A Yeah.

22 Q Okay. Well, what apart from her berating you was
23 abusive?

24 A The public shaming that happened afterward.

25 Q Okay. So she called you guys out for not doing a good

KEVES - CROSS - MS. BONJEAN

3125

1 job with sales; is that right?

2 A Well, when the course started again, she call would me
3 up in front of the entire class to talk about how I was --
4 have stifling and -- she had me talk about my relationship
5 with Rami and why I was so clingy.

6 Q Okay. That's right. I forgot about that one. So that
7 was connected to that event?

8 A Yes.

9 Q And her complaint was that you were more focused on
10 this relationship you were trying to build than actually
11 your job of sales, right?

12 A No. The complaint was that outside of -- that somehow
13 energetically I was distracting Rami from doing a good job.
14 But nobody wasn't doing their job. Everybody was doing
15 their job. She was -- there wasn't -- nobody was buying the
16 courses.

17 Q So you disagreed with her, right?

18 A Yes.

19 Q You didn't look that she said that you were interfering
20 with Rami's energy because you were too clingy, correct?

21 A Yes.

22 Q And certainly, you said back to her, well, that's not
23 accurate, just like you're saying here today?

24 A Questioning wasn't -- you were shamed or yelled at or
25 shut down. It wasn't the open conversation or open

KEVES - CROSS - MS. BONJEAN

3126

1 environment to exchange ideas or -- like, there was a
2 hierarchy, so no, I did not.

3 Q You didn't even try. You didn't push back at all,
4 right?

5 A No.

6 Q And people did have open dialogue in these settings all
7 the time, right?

8 A And were often shut down.

9 Q Okay. People were often shut down and ideas were
10 dismissed and some ideas were accepted, right?

11 A Yes.

12 Q Okay. And if you didn't like the vibes or the tone,
13 you could have just said, this isn't for me and I'm outta
14 here, correct?

15 A Yes.

16 Q Have you ever belonged to a sorority?

17 A No.

18 Q Ever been in the military?

19 A No.

20 Q Now, ultimately, for all the pressure around monogamy,
21 it didn't really work very well because you and Rami got
22 married -- or got engaged, correct?

23 A We got engaged.

24 Q And then you ultimately left and he didn't want to
25 leave; is that right?

KEVES - CROSS - MS. BONJEAN

3127

1 A Yes.

2 Q And as a result, then, your ideals went in different
3 directions, philosophies went in different directions, and
4 you broke up. Fair?

5 A Yes.

6 MS. BONJEAN: Give me one second.

7 Q Oh, one other question about -- you talked about some
8 of the teachings of Ms. Daedone, right?

9 A Yes.

10 Q Fair to say that Ms. Daedone has focuses, at least in
11 part, on this idea of victimhood, right?

12 A Yes.

13 Q She rejects the idea that you should allow your past as
14 a victim or bad things that have happened to you to define
15 you, correct?

16 A Yes.

17 Q And she's very open about that, right?

18 A Yes.

19 Q And you were free, as an educated woman, to agree or
20 disagree with that idea, correct?

21 A Yes.

22 Q And at the time, you were intrigued by the idea,
23 correct?

24 A Yes.

25 Q Okay. Maybe now you don't feel that way, but at the

KEVES - REDIRECT - MS. FARRELL

3128

1 time you were open to hearing this new approach to
2 victimhood?

3 A Yes.

4 MS. BONJEAN: One second.

5 (Pause in proceedings.)

6 MS. BONJEAN: I have nothing further.

7 THE COURT: Ms. Farrell, any redirect?

8 MS. FARRELL: Yes, Your Honor.

9 REDIRECT EXAMINATION

10 BY MS. FARRELL:

11 Q Ms. Keves, are you testifying here today pursuant to
12 subpoena?

13 A Yes.

14 Q We looked at a document, Defense Exhibit 9-Y -- I'm
15 sorry, 9-A, titled Why Am I Here.

16 MS. FARRELL: I don't know if we can pull that up
17 for the witness only.

18 Well, that's okay. We don't have to look at it.

19 Q We looked at 9-A, a Why Am I Here document. You looked
20 at 9-Y, where you listed out three women you have an
21 aversion to and three women that you admire.

22 Do you know what I'm talking about?

23 A Yes.

24 Q Are these documents you prepared on your own,
25 spontaneously, or were you prompted to prepare them?

KEVES - REDIRECT - MS. FARRELL

3129

1 A No, I was prompted.

2 Q What was the context of your writing these things?

3 A Within OneTaste courses.

4 Q The three women that you wrote that you respected and
5 admired, were those all people who worked at OneTaste?

6 A Yes.

7 Q And then the three women you had an aversion to, who
8 were they?

9 A Outside of OneTaste.

10 Q Were they women in your family?

11 A Yes.

12 Q Is it accurate to say that you admire three OneTaste
13 women more than your mother and your sister?

14 MS. BONJEAN: Objection.

15 MR. ROBOTTI: Objection.

16 THE COURT: Basis?

17 MR. ROBOTTI: Relevance --

18 THE COURT: Wait, sorry, let me listen to
19 Ms. Bonjean first and then I'll listen to you.

20 MS. BONJEAN: Relevance, and it wasn't phrased as
21 a competition.

22 MR. ROBOTTI: Relevance to time frame of now.

23 THE COURT: Sustained.

24 Q You wrote that in May --

25 MS. FARRELL: I'm sorry. Can I just put it up on

KEVES - REDIRECT - MS. FARRELL

3130

1 the screen for the witness to refresh her so she knows what
2 I'm talking about?

3 Q Did you write that in May 2017?

4 A I don't think this is working.

5 Q Oh, okay.

6 MS. FARRELL: May I approach the witness?

7 THE COURT: Yes.

8 Q Did you write that in May of 2017?

9 A Yes.

10 Q And at the time, was it accurate that you admired these
11 three OneTaste women and had aversions to women in your own
12 family?

13 A I mean, I wrote that, but I don't think at the time it
14 was even accurate.

15 Q Then why did you write it?

16 A The -- the culture was around -- or I'll just say, I
17 often felt like I would do things to -- to gain approval of
18 the teachers or, like, stay in their good graces. Like, it
19 was -- I wrote kind of what I thought was expected of me.

20 Q And so can you explain to the jury why saying you
21 admired three women in OneTaste and that you had aversions
22 to your mother and your sister might, in your mind, gain you
23 the approval of your teachers at OneTaste?

24 MR. ROBOTTI: Objection to hindsight, speculation.

25 THE COURT: Overruled.

KEVES - REDIRECT - MS. FARRELL

3131

1 A Because there was this, like, if you're in OneTaste,
2 you're turned on and you're powerful, and those who aren't
3 in are not those things.

4 Q And did that include your mother and your sister?

5 A Yeah, my mother and sister were not in OneTaste.

6 Q Besides the Ayahuasca retreat, were there other
7 interests that Rami had outside of OneTaste that he was
8 discouraged from participating in?

9 A Yes.

10 Q Can you name some?

11 A He was involved with Landmark, and then there was a,
12 like, a vacation that we took together that was being
13 organized by -- I think he was kind of like a martial -- I
14 want to say he was, like, a martial arts teacher that Rami
15 was taking classes with him, so he led a retreat or like a
16 vacation, and so we went to that, and there was some
17 discouragement around that, getting off course.

18 Q And what does that mean, to get off course, based on
19 your understanding at OneTaste at the time?

20 A It was, like, not staying on your purpose, and the
21 purpose was, you know, to be at OneTaste and spread orgasm.

22 Q And Mr. Robotti showed you a series of videos and audio
23 clips and pictures of you expressing your enjoying your time
24 at OneTaste and your valuing the OM practice.

25 Do you remember that?

KEVES - REDIRECT - MS. FARRELL

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1 A Yes.

2 Q So what changed from the time that you said those
3 things?

4 A So the clip, the audio clip was pretty early on, and as
5 I was involved more and more, I started to just feel panicky
6 around attending another event or being there in general.

7 Q And why?

8 A Because it was a high -- high control group, high
9 pressure group, all consuming.

10 Q And when you say it was high control or high pressure,
11 like what specifically made you feel that way? What about
12 your experience there?

13 A Well, the sales were always high pressure. You were
14 taken -- after every single event you were taken into a back
15 room with one of the teachers or salespeople, and it was
16 very, very high pressure to purchase something else. And
17 then just the environment of living in the staff house, it
18 was everybody did the same thing together. You didn't go
19 anywhere really alone. You stayed connected; you stayed in
20 community. So, yeah, it was all encompassing in that way.

21 MS. FARRELL: And so for the witness, I don't know
22 if it's possible to pull up 9-BL.

23 Q Was there measure around OMing?

24 A Yeah. I mean, I got pressure to OM, to open up the OM
25 practice between me and Rami. Mostly it was coming from

KEVES - REDIRECT - MS. FARRELL

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1 Rami, but there was, like, the whole, like, in the vacuum of
2 OneTaste that was not really -- monogamy was not really
3 encouraged or OMing monogamously was not really encouraged.
4 It was more encouraged to, you know, get messy, to open up
5 your orgasm.

6 Q So if you can look at your screen, we looked at 9-BL
7 earlier. Do you recognize that?

8 A I don't have it.

9 Q Oh, I'm sorry.

10 A That's okay.

11 MS. FARRELL: May I approach, Your Honor?

12 THE COURT: Yes.

13 MS. FARRELL: I'll give you a paper copy.

14 Q So, Ms. Keves, I believe Mr. Robotti showed you 9-BL as
15 a text message exchange.

16 Do you recognize this?

17 A I -- I don't think he showed me this.

18 Q I believe he asked --

19 Do you recall being asked questions about whether
20 you and Rami were opening up your OMs --

21 A Oh, yeah. He didn't show me, but he referenced it,
22 yeah.

23 Q Okay. And so looking at this now, do you recognize
24 this text thread?

25 A Yes.

KEVES - REDIRECT - MS. FARRELL

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1 Q Who is it with? If I know.

2 A I think it's Rachel Short. Oh, I see where he -- it's
3 later down, but yes, I see where he was referencing. Yes,
4 he showed me. It's the bottom part.

5 Q Take a minute to read it and make sure you recognize
6 the text thread.

7 (Pause in proceedings.)

8 A Yes.

9 Q Is this a true and accurate copy of a text thread
10 between you and Rachel Shore in August 2017 that Mr. Robotti
11 showed you?

12 A Yes.

13 MS. FARRELL: Your Honor, I move to admit Defense
14 Exhibit 9-BL into evidence.

15 THE COURT: Any objection?

16 MS. BONJEAN: What's the basis? I'm sorry, I
17 didn't hear it.

18 THE COURT: I'm asking if there's any objection.

19 MR. ROBOTTI: Judge, I believe it's hearsay. I
20 mean, improper for refresh.

21 THE COURT: Would you like to respond,
22 Ms. Farrell?

23 MS. FARRELL: Yes.

24 I'm offering it as a prior consistent statement
25 based on the comment by Ms. Keves at the bottom of the

KEVES - REDIRECT - MS. FARRELL

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1 thread.

2 THE COURT: Can you blow that up?

3 MS. FARRELL: Yes.

4 Can you please blow that up for her?

5 MS. BONJEAN: Objection to that basis.

6 THE COURT: Let me just take a moment to look at
7 it.

8 I'm sorry. I'm not sure what you're asking me to
9 look at.

10 MS. FARRELL: Sure.

11 THE COURT: Let me just grab a hard copy of this.
12 I think that would be easier.

13 MS. FARRELL: It's the defense's exhibit. I don't
14 have another one, I'm sorry.

15 THE COURT: Tell me exactly which portion you're
16 seeking to admit or the entire document?

17 MS. FARRELL: I'm seeking to admit the entire
18 thing. I can ask the witness some more questions, if it may
19 help orient you.

20 THE COURT: Why don't you do that.

21 BY MS. FARRELL:

22 Q Ms. Keves, did Mr. Robotti --

23 MS. FARRELL: You can keep that blown up, please.

24 Q Did Mr. Robotti ask you about the fact that you had
25 reached out to this woman Rachel -- sorry, what was her last

KEVES - REDIRECT - MS. FARRELL

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1 name?

2 A Short.

3 Q Rachel Short, about whether it was okay for you to ask
4 her boyfriend, Kenan, to OM with you later in the day?

5 A Yes.

6 Q Do you remember that?

7 A Yes.

8 Q And then in that same conversation, what, if anything,
9 did you say to Ms. Short about your reluctance to open up
10 your OM practice?

11 MR. ROBOTTI: Objection. Hearsay.

12 THE COURT: Response?

13 MS. FARRELL: Again, I think there was an
14 incomplete -- there was a question that suggested an
15 incomplete version of this conversation, and I'm trying
16 to --

17 THE COURT: Overruled. Go ahead.

18 MS. FARRELL: Thank you.

19 Q What, if anything, did you say to Ms. Short about your
20 reluctance to open up your OM practice beyond you and Rami?
21 And don't read from the document, but just --

22 A Yeah, just that I was resistant to opening up the OM
23 practice.

24 MS. FARRELL: And so in light of that foundation,
25 Your Honor, we're moving to admit Defense Exhibit 9-BL into

KEVES - REDIRECT - MS. FARRELL

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1 evidence.

2 THE COURT: Any objection?

3 MS. BONJEAN: Objection.

4 MR. ROBOTTI: Objection.

5 THE COURT: Sustained.

6 Q And so were you super resistant to opening up your OM
7 practice beyond you and Rami?

8 A Yes.

9 Q And did you ultimately agree to open it up?

10 A Yes.

11 Q What was that based on?

12 A Just pressures, outside pressures to open up. But I
13 was -- you know, all the continued conversation around me
14 being too clingy and stifling.

15 Q And was there a reason you asked to OM with Kenan in
16 particular?

17 A He lived at the house. He was, I guess, somebody I
18 felt more comfortable with.

19 Q Ms. Bonjean --

20 MS. FARRELL: We can take that down.

21 Q Ms. Bonjean asked you a series of questions about
22 monogamy and then the fact that you got engaged.

23 Do you remember that line of questioning on cross?

24 A Yes.

25 Q And I think earlier you testified there were a number

KEVES - REDIRECT - MS. FARRELL

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1 of couples within OneTaste that got engaged or married; is
2 that correct?

3 A Yes.

4 Q Based on your observations, the other couples in
5 OneTaste that were getting engaged or married, were they
6 remaining monogamous with each other as a general matter?

7 A No. It didn't -- didn't seem that way, no.

8 Q Okay. What, if any, observations did you make about
9 all of these people getting engaged or married at OneTaste?

10 MS. BONJEAN: Objection. Relevance.

11 THE COURT: Overruled.

12 A Can you repeat the question?

13 Q Sure.

14 What did you make of all these people getting
15 engaged or married at OneTaste, but not remaining
16 monogamous, as you just testified?

17 MS. BONJEAN: Objection --

18 THE COURT: I'm sorry, I didn't hear you,
19 Ms. Bonjean.

20 MS. BONJEAN: It's also just a vague question,
21 "what did you make of" it.

22 THE COURT: Sustained.

23 Q Did you have any observations about why people within
24 OneTaste were getting engaged or married?

25 MR. ROBOTTI: Objection.

KEVES - REDIRECT - MS. FARRELL

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1 MS. BONJEAN: Foundation.

2 THE COURT: Sustained as to foundation.

3 Q Were you able to observe whether or not people were
4 getting engaged or married at OneTaste?

5 A Yes.

6 Q And based on your own observations, what was your
7 understanding of why that was happening?

8 MS. BONJEAN: Objection. Foundation still.

9 THE COURT: Overruled.

10 Q That means you can answer.

11 A Okay. So, I mean, at the time it seemed like --

12 MS. BONJEAN: Objection to the "seemed like."

13 THE COURT: Overruled.

14 A Like, oh, people are finding their partners here or
15 people are having relationship success, which I think
16 looked -- looked good to the -- to the group or to people
17 coming in, your finding a relationship. I think there were
18 pairings that were beneficial to --

19 MS. BONJEAN: Objection. Foundation.

20 THE COURT: Overruled.

21 MS. BONJEAN: Speculation.

22 THE COURT: Overruled.

23 A There were pairings that were beneficial to the
24 organization.

25 Q In what way?

KEVES - REDIRECT - MS. FARRELL

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1 MS. BONJEAN: Objection.

2 THE COURT: Overruled.

3 A Financial, for one. And at one point I remember it was
4 suggested that Rami and I --

5 MS. BONJEAN: I object to the "it was suggested."

6 There are two defendants on trial.

7 MS. FARRELL: That's fine. I'll just --

8 THE COURT: No.

9 MS. FARRELL: Sorry.

10 THE COURT: Sustained.

11 You can ask the next question.

12 MS. FARRELL: May I just ask that that last
13 sentence be struck?

14 THE COURT: Ms. Bonjean's sentence?

15 MS. FARRELL: No, the witness, the rest of her --

16 THE COURT: Yes, that will be stricken.

17 MS. FARRELL: Okay. And that the rest of her
18 answer before the objection remain.

19 THE COURT: You just need to ask your next
20 question.

21 MS. FARRELL: Okay.

22 BY MS. FARRELL:

23 Q So I think --

24 MS. FARRELL: I'm sorry, I just don't have the
25 transcript in front of me. One moment, sorry.

KEVES - REDIRECT - MS. FARRELL

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1 THE COURT: You want to know what your last
2 question was?

3 MS. FARRELL: I'll look.

4 (Pause in proceedings.)

5 THE COURT: Your last actual question was: In
6 what way?

7 MS. FARRELL: Yes. And then I think you sustained
8 the answer. Is that correct, Your Honor?

9 THE COURT: Yes, the answer.

10 Sorry. You asked for the answer to be stricken,
11 right? Or no?

12 MS. FARRELL: Just the part after the objection,
13 with respect to --

14 THE COURT: Just ask another question at this
15 point.

16 BY MS. FARRELL:

17 Q Well, in what way was it beneficial to OneTaste for
18 certain pairings to happen?

19 MS. BONJEAN: Objection. Foundation.

20 MR. ROBOTTI: Objection.

21 MS. BONJEAN: Speculation. No firsthand --

22 THE COURT: Excuse me. Sustained.

23 You can try to lay a different foundation if you
24 want, or you can move on to something else.

25 MS. FARRELL: No further questions, Your Honor.

KEVES - RECROSS - MR. ROBOTTI

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1 THE COURT: Is there any recross examination,
2 Mr. Robotti?

3 MR. ROBOTTI: Yes, Your Honor. Briefly.

4 RECROSS EXAMINATION

5 BY MR. ROBOTTI:

6 Q Ms. Keves, on redirect examination you were asked about
7 Defense Exhibit 9-Y. Do you still have that in front of
8 you?

9 A Yes.

10 Q And that is the email that you sent to Angela
11 Richardson; is that correct?

12 A It's the Women's Intensive intake form.

13 Q Which was an email from you to Angela Richardson at
14 OneTaste, right?

15 A Correct.

16 Q And on cross-examination I asked you if that refreshed
17 your recollection that at the time, you said that Rachel
18 Cherwitz was a powerful example of a woman who loves
19 fiercely and who chooses truth over comfort or pleasing
20 others.

21 Do you remember that?

22 A Yes.

23 Q I then asked you: And that's what you believed at the
24 time? And your answer was yes.

25 Do you remember giving that testimony today?

KEVES - RECROSS - MR. ROBOTTI

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1 A Yes.

2 Q And do you remember changing your answer to something
3 completely different when Ms. Farrell asked you the same
4 question?

5 MS. FARRELL: Objection.

6 THE COURT: Sustained.

7 Q Did you change your answer when Ms. Farrell asked you
8 the question?

9 A There were two different questions. I mean, at the
10 time I did believe that. Now, why did I believe that --

11 Q Ma'am, at the time, you did believe what you wrote
12 about Ms. Cherwitz, correct?

13 A I wrote it.

14 Q And that's what you testified earlier today when I
15 asked you that same question, right?

16 A Yes.

17 Q And you didn't complain about Ms. Cherwitz in this
18 email, correct?

19 A Correct.

20 Q You didn't say, I don't want to work at OneTaste,
21 right?

22 A Correct.

23 Q You didn't say I don't want to work for Ms. Cherwitz,
24 right?

25 MS. FARRELL: Objection. Outside the scope.

KEVES - RECROSS - MR. ROBOTTI

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1 THE COURT: Overruled.

2 A Right.

3 Q Okay. Now, Ms. Farrell also asked you about Defense
4 Exhibit 9-BL. Do you still have that in front of you?

5 A Yes.

6 Q And this is the text exchange you testified to earlier
7 about wanting to open up your OM practice with Rami,
8 correct?

9 A I did not want to open it up. But yes, this is the
10 text exchange.

11 Q Well, Ms. Farrell asked you if at the time, you were
12 super resistant to opening it at first; is that correct?

13 A Yes.

14 Q Did you also --

15 Does this refresh your recollection that you also
16 said during that text exchange: I'm feeling much better
17 about it now, meaning opening up your OM practice?

18 A I said I was super resistant to opening at first, but
19 I'm feeling much better about it now.

20 Q And Ms. Farrell didn't ask you about that part, right?

21 MS. FARRELL: I believe I tried to admit it.

22 A Right.

23 THE COURT: We're going to stop in a couple
24 minutes, Mr. Robotti. I'm just telling you that for your
25 planning purposes.

KEVES - RECROSS - MR. ROBOTTI

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1 MR. ROBOTTI: I'm almost done, Your Honor.

2 Q Now, you were asked about whether there was pressure
3 about not doing outside activities.

4 Do you recall that?

5 A Yes.

6 Q You did a lot of outside activities while you were at
7 OneTaste, right?

8 A Some.

9 Q Including with Rami, right?

10 A Yes.

11 Q You traveled to Spain with him, correct?

12 A Yes.

13 Q You went to the Hamptons with him to visit your family?

14 A Yes.

15 Q You took a helicopter ride, right?

16 A Yes.

17 Q Those are all outside activities that you didn't do
18 with OneTaste, correct?

19 A Correct.

20 Q And on August 7, 2017, you were at OneTaste at that
21 time, correct?

22 A August 2017?

23 Q Correct.

24 A Yes.

25 Q And do you remember what you did at that day?

KEVES - RECROSS - MR. ROBOTTI

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1 A No.

2 MS. FARRELL: Objection. Outside the scope.

3 THE COURT: Overruled.

4 Q Does it refresh your recollection if I showed you a
5 text exchange?

6 A Yes.

7 THE COURT: What are you showing her?

8 MR. ROBOTTI: This is Defense Exhibit 9-CQ.

9 THE COURT: Okay. That has to be blown up. She's
10 looking at a hard copy. I need it blown up here, though.
11 It's way too small.

12 Q Does that refresh your recollection?

13 A Yes.

14 Q And what did you do that day?

15 A Watched a movie --

16 MS. FARRELL: Objection, Your Honor.

17 THE COURT: Sorry. What's the basis?

18 MS. FARRELL: I think she's just reading from the
19 document.

20 Q Putting the document aside, what did you do that day?

21 A Watched a movie and ate food and --

22 Q And had sex and took a nap?

23 A Had sex and took a nap, yes.

24 MS. FARRELL: Objection.

25 THE COURT: Yes, sustained.

KEVES - RECROSS - MS. BONJEAN

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1 Q Bottom line, ma'am, you were able to leave OneTaste at
2 any time, correct?

3 A Yes.

4 MR. ROBOTTI: No further questions.

5 THE COURT: I'm going to end unless, Ms. Bonjean,
6 you have a couple of minutes only.

7 MS. BONJEAN: Yes. Maybe one question.

8 THE COURT: Okay. Then go ahead.

9 RECROSS EXAMINATION

10 BY MS. BONJEAN:

11 Q Ms. Keves, Defense Exhibit 9-Y which we looked at,
12 which was part of that intake for the Women's Intensive, do
13 you remember looking at that?

14 A Yes.

15 Q And those questions that were asked of you about three
16 women you have an aversion to and why and three women you
17 respect and admire and why, you could answer that question
18 any way you wanted to, right?

19 A Yes.

20 Q Okay. And no one --

21 And you answered that on your own computer by
22 yourself, right?

23 A Yes.

24 Q Okay. And --

25 A At the prompting of, you know, this assignment, yes.

KEVES - RECROSS - MS. BONJEAN

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1 Q Yeah. There was -- you were taking a course, right?

2 A Yes.

3 Q There are sometimes assignments with prompts, correct?

4 A Yes.

5 Q That is sort of the nature of courses, correct?

6 A Yes.

7 Q Okay. And you answered the question as you wanted to
8 in the moment, right?

9 A Yes.

10 MS. BONJEAN: I have nothing further.

11 THE COURT: The witness may step down.

12 (Witness is excused.)

13 THE COURT: Okay. It's 3:01. I think that was
14 pretty close to on target.

15 Thank you all for being so attentive, as always.
16 I wish that I could say that I could predict excellent
17 weather for all of us for the long weekend. I don't know
18 that I can, but I wish you all an excellent weekend. I hope
19 you have a good time with family, friends, loved ones, or
20 maybe since you've been sitting together with 16 other
21 folks, just all alone if that's what you prefer for the long
22 weekend.

23 But let me just remind you before we break until
24 Tuesday of what I have reminded you many times before, but
25 we are going into a long break now. Over this break, don't

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1 discuss the case with anyone, including with your fellow
2 jurors. If anyone approaches you and tries to discuss the
3 trial with you, please let me know about it immediately
4 through Mr. D'Agostino. Don't read, listen to, or watch any
5 news or other media reports of the trial. Don't conduct any
6 independent research about the case, about the matters in
7 the case, or the individuals involved in the case. Don't
8 talk to the parties, the attorneys, the witnesses in the
9 case about anything. And keep an open mind.

10 And again, I wish you all a very relaxing few
11 days. For Tuesday, same time, 9:15 in the jury room so we
12 can start up at 9:30 promptly.

13 Thank you. Have a great weekend.

14 (Jury exits.)

15 (In open court; jury not present.)

16 THE COURT: Okay. Everyone can be seated.

17 So I don't think we should deal with the next
18 witness now in light of timing.

19 MS. BENSING: Your Honor, may I just say one thing
20 on that?

21 THE COURT: Yes.

22 MS. BENSING: I understand that the witness's
23 attorney is here and may have a conflict first thing on
24 Tuesday morning. I'm wondering if we can do that portion
25 where the witness invokes outside the presence of the jury

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1 briefly now, and then we can just start up with his
2 testimony on Monday morning.

3 THE COURT: I would prefer not to --

4 MS. BENSING: Tuesday.

5 THE COURT: But is his attorney completely
6 unavailable?

7 MR. SPEKTOR: I can make myself available, Your
8 Honor.

9 THE COURT: I think given the long break, I think
10 we should do that Tuesday morning.

11 MS. BENSING: Sure.

12 THE COURT: We can do that at 9:15 so that we can
13 be ready to -- that is the next witness, right?

14 MS. BENSING: Yes.

15 THE COURT: All right. So that we can be ready to
16 go with the jury at 9:30, assuming it won't take longer than
17 that. And I assume that his attorney has already consulted
18 with him, but of course can be in the courtroom if there is
19 a need for additional consultation.

20 MS. BENSING: Yes. Thank you.

21 THE COURT: And I appreciate the attorney's
22 willingness to be available on Tuesday, as well.

23 Okay. There are a couple other issues I want to
24 take up with the parties, including the one they mentioned
25 the other day about jury instructions. So we can do that

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1 now. If you feel like you need a couple of minutes break,
2 we can do that too.

3 MS. BENSING: I'm okay, Your Honor.

4 THE COURT: Ms. Cohen? Mr. Robotti? Ms. Bonjean?

5 MS. COHEN: Could we take a quick break, Your
6 Honor?

7 THE COURT: Okay. So 3:15. Ten minutes.

8 MS. COHEN: Thank you.

9 (Court is in recess.)

10 (Continued on the following page.)

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1 (Recess taken.)

2 (In open court; jury not present.)

3 THE COURTROOM DEPUTY: All rise.

4 THE COURT: Okay. We are all back.

5 I will hear from the parties if there is anything on
6 the jury instructions along the lines of what I mentioned
7 yesterday. Obviously, this is not the charge conference.
8 There will be a full charge conference after you have had --
9 you will have a draft at that point to work with.

10 So I just want to hear if anything really material
11 has changed in your positions, your views, your requests.

12 So I can start with whoever has something they want
13 to raise.

14 MS. BENSING: I'm happy to start, Your Honor --

15 THE COURT: Go ahead.

16 MS. BENSING: -- just because there were a few
17 things that I think we can limit, which I think would be
18 helpful for the Court.

19 THE COURT: Okay.

20 MS. BENSING: So I think at this point --

21 THE COURT: Sorry. Ms. Bonjean is having trouble
22 hearing you, I think. Just speak up.

23 MS. BENSING: Ms. Bonjean is always telling me to
24 speak up.

25 MS. BONJEAN: I'm losing my hearing.

1 MS. BENSING: And I'm laughing, for the record.

2 So, I just wanted to -- there's a few things that I
3 think we can limit.

4 Assuming the evidence continues to come in the way
5 that it has, the Government does not see a need for the jury
6 to be charged on the abuse or threatened abuse of law or legal
7 process. I think that was one that we had flagged initially
8 as perhaps not being necessary, but we wanted to wait until
9 the close of the evidence in the case.

10 So that is one that I think we can take out of the
11 running, from the Court's perspective.

12 THE COURT: And does the defense disagree on that?

13 MS. COHEN: Yes.

14 MS. BONJEAN: No.

15 THE COURT: One yes, one no.

16 MS. BONJEAN: Okay. I'm sorry. Maybe I
17 misunderstood.

18 Yes, we would agree.

19 MS. COHEN: We agree.

20 MS. BONJEAN: We objected, I think to that --

21 THE COURT: Yes. Okay.

22 So assuming nothing changes in terms of the
23 testimony, there is no request for that sort of prong to be
24 instructed on? Okay.

25 MS. BENSING: Correct.

1 And then I think we had requested -- the Government
2 request No. 9, uncalled witness equally available to both
3 sides, if applicable.

4 I don't think that there have been arguments by the
5 defense with respect to that. And so, again, at this point, I
6 don't think the Government sees a need for that charge to be
7 given. So I just wanted to flag that for the Court.

8 THE COURT: And do the defendants agree with that,
9 obviously, based on so far what's happened?

10 MS. COHEN: Can we think about that?

11 THE COURT: Of course.

12 Ms. Bonjean, do you want to think about it, too?

13 MS. BONJEAN: Yes, I would like to give a thought.

14 THE COURT: That's fine. That's fine.

15 Okay. What's next?

16 MS. BENSING: We had requested in Government request
17 No. 12, uncharged acts considered for a limited purpose, if
18 applicable.

19 From the Government's perspective, the evidence that
20 has come in is -- is direct evidence of the conspiracy, and so
21 that is not necessary. I don't know if the defense agrees
22 with that, but I think from the Government's perspective,
23 everything has been direct evidence.

24 THE COURT: Does anyone want to be heard on that? I
25 mean, again, we're still not at the end of trial, so something

1 could change, but --

2 MS. BONJEAN: I think there are a couple of acts
3 that I would put in the category of uncharged acts, rather
4 than part of the conspiracy.

5 THE COURT: Do you know what they are now or do you
6 want to think about it?

7 MS. BONJEAN: Well, for one, I don't know if it's
8 been really completed yet, but this business that you've heard
9 about -- that Ms. Daedone, Beverly Daedone worked for
10 OneTaste, which is Ms. Daedone's mother.

11 I suspect at some point, there is going to be an
12 effort to show that she was getting paid for not working there
13 or something.

14 THE COURT: I think that's in one of the filings,
15 isn't it?

16 MS. BENSING: Yes, Your Honor. And from the
17 Government's perspective, that is evidence of the benefit to
18 the defendant, which again, is one of the elements that the
19 Government would need to prove under 1589(b), as in "boy."

20 MS. BONJEAN: Yeah, I think I have -- I can voice
21 the objection now.

22 I think that's a stretch. It may be -- I think it's
23 more in the vein of if the allegation is there is some type
24 of, you know, sort of a dishonesty or fraudulent type of
25 activity, I don't see how Ms. -- and I don't even know --

1 again, I'm not conceding that there was anything improper
2 about that because I've not -- all I've heard is that people
3 didn't know she worked there.

4 THE COURT: Right.

5 MS. BONJEAN: I don't know what Kandell will say.

6 But regardless, that's let's just game it out from
7 the perspective of the Government, which is that she was
8 getting payments that she did not work for and then the
9 Government's theory is that somehow the labor -- or the
10 service that was obtained through threats of harm or serious
11 harm was a benefit to the mother who was getting paid, I
12 guess.

13 I think that's a little far removed to provide that
14 as a basis for the conspiracy or evidence of the conspiracy.
15 I think that is more in the vein of a bad act or an uncharged
16 bad act.

17 THE COURT: Okay. But so far, you're right. It's
18 not completed what the Government intends to do or elicit on
19 that.

20 I can hear the Government out, but we can also have
21 a more thorough discussion about this once more testimony
22 comes in.

23 MS. BENSING: Yeah. I do expect the witness to
24 testify about this on Tuesday.

25 So to the extent that it also goes to knowledge and

1 intent, then perhaps this charge would be applicable. Again,
2 the Government sees it as direct evidence of financial gain,
3 but we can obviously see how the testimony comes out, Your
4 Honor, but I do anticipate the witness will testify about
5 that.

6 THE COURT: All right. Is there anything else that
7 either Ms. Cohen or Mr. Robotti or Ms. Bonjean thinks would
8 fall under an uncharged acts category?

9 Because nobody, of course, has asked for a limiting
10 instruction when anything has come in, so. But maybe you're
11 anticipating some other evidence coming in. I don't know.
12 Again, you don't have to be pinned down now. I just want to
13 start thinking about some of these issues.

14 MS. COHEN: Okay. We will certainly think of that
15 and let you know.

16 THE COURT: Anything else?

17 MS. BENSING: Well, the Government -- I mean, not on
18 that one.

19 THE COURT: Okay. Yes.

20 MS. BENSING: On my list.

21 THE COURT: Yes.

22 MS. BENSING: So the Government also objected at the
23 time, but maintains its objections to a number of the defense
24 requests, which were request numbers 15 through 19.

25 I guess this is not the charge conference, so like

1 to the extent there is still a dispute between the parties, it
2 sounds like the Court doesn't want to take that up now.

3 THE COURT: No. I just want to hear whether there
4 is any changing of positions, views, anything you think has
5 become more crystallized for you based on the testimony to
6 date because I'm going to be spending a lot of time with these
7 jury instructions this weekend, so.

8 MS. BENSING. Understood.

9 THE COURT: So I'm doing my homework. I'm giving
10 you the opportunity to weigh in now before you see a draft.

11 MS. BENSING: Yes.

12 So those were the things from the initial joint
13 request that I wanted to flag for the Court from the
14 Government's perspective.

15 There is -- I think that we had initially requested
16 the Court's usually charge as to dates approximate. I think
17 the Government would like to propose a charge to the Court on
18 that.

19 THE COURT: In light of the statutory framework or
20 what's the change?

21 MS. BENSING: No, because I think we included that
22 in our joint request-to-charge --

23 THE COURT: You did.

24 MS. BENSING: -- With respect to the 2006 to 2009
25 time period.

1 THE COURT: You did.

2 MS. BENSING: I think we had requested initially
3 that the Court instruct the jury with respect to its usual
4 instruction as to dates approximate, that the indictment --
5 the dates in the indictment are approximate and may not be
6 exact. I think we just want to propose a specific formulation
7 to the Court, which we can do.

8 I think there are also two defense requests, which
9 they sent us over this morning. One is with respect to some
10 kind of First Amendment charge. So I think the parties are
11 looking at that and are going to try to propose something to
12 the Court.

13 And then the defense had some additional language,
14 and I just got it this morning, so I can't remember what the
15 additional language was, in terms of the First Amendment or
16 the other part.

17 MS. COHEN: Yes. And we will work on it with the
18 Government. It was just an addition to the request that we
19 had already asked about adverse, but legitimate --

20 THE COURT: Yes. Yes. I wanted to ask you about
21 that as well.

22 But are you still talking to each other about that?

23 MS. BENSING: I mean, we oppose that, and we
24 continue to oppose that, so I don't think we've reached
25 agreement.

1 They have some additional language that I think they
2 want the Court to look at. We were going to take a look at
3 it. My sense is that we're going to oppose it, but those,
4 from the Government's perspective, are the three outstanding
5 things for the Court.

6 THE COURT: You said more than three things, so
7 sorry. Tell me the three.

8 MS. BENSING: The dates approximate.

9 THE COURT: Yes.

10 MS. BENSING: A First Amendment-type charge.

11 THE COURT: Uh-hum.

12 MS. BENSING: And then this additional language from
13 the defense as to the adverse but legitimate consequences.

14 MS. BONJEAN: Which is also rooted in the First
15 Amendment. I think they're both kind of First Amendment-type
16 issues.

17 THE COURT: Is there something about the trial
18 evidence that's causing you to add language or is it just
19 you've thought about it more on the adverse but the legitimate
20 --

21 MS. BONJEAN: No, I think we had that initially --

22 THE COURT: Okay.

23 MS. BONJEAN: -- because we anticipated it. I think
24 we maybe tweaked the language a little bit.

25 THE COURT: Okay.

1 MS. BONJEAN: But that's about it.

2 Am I right?

3 MS. COHEN: Yes, that's right.

4 THE COURT: And what testimony or evidence are you
5 mainly thinking of when you're thinking of that charge?

6 MS. BONJEAN: The shunning testimony.

7 THE COURT: Okay.

8 MS. COHEN: And that was the additional language we
9 added to what we are proposing, but we are talking through
10 with the Government on that.

11 THE COURT: Okay. So tell me a little bit more.

12 MS. BONJEAN: So the United States Supreme Court has
13 essentially said that you're -- you have a First Amendment
14 right to assemble in the way you want to assemble and if
15 someone -- you think about it in terms of churches, but it's
16 not just -- in terms of searches -- I think the seminal case
17 involves the Salvation Army. We've thought about that.

18 And essentially, when people are not living up to
19 expectations of the group, that you have a
20 constitutionally-protected right to basically kick them out of
21 the group, shun them from the group. I'm using the word
22 shunning. And that is protected under the First Amendment.

23 So again, that's a little different than the more
24 generalized First Amendment instruction, I think, we're
25 looking at, but that was the instruction that I think we

1 proposed and the language that we proposed. And that's the
2 concept there. I think we cited the case law in our original
3 --

4 THE COURT: Yes. No, no. I want to make sure
5 there's nothing additional that's dramatically different from
6 what you gave me before.

7 Okay. Is that the end of your list, Ms. Bensing?

8 MS. BENSING: That's the end of my list.

9 THE COURT: Okay.

10 MS. BENSING: So those are the things that we
11 thought we could remove --

12 THE COURT: Yes.

13 MS. BENSING: -- and then there's the three things
14 that I think we're going to maybe proposed to the Court.

15 THE COURT: Okay. So let me hear from the defense
16 if there's anything additional to what Ms. Bensing has already
17 mentioned.

18 MS. COHEN: I mean, yeah. Sorry. On the serious
19 harm, we submitted papers, our supplemental --

20 THE COURT: Yes. I'm considering, obviously, the
21 sort of long submission then, there was the supplement, but
22 both of those were joined.

23 But I'm really wondering if there is anything
24 different and really, on some of the statutory language, if
25 the parties have different thoughts than they did before.

1 MS. COHEN: No. I think in terms of -- it's really
2 grossly around the First Amendment. I think we were
3 considering it could change that we haven't proposed yet, but
4 we have a good faith defense surrounding these First Amendment
5 issues.

6 THE COURT: Sorry. Good faith being separate from
7 your First Amendment instruction or -- because there is
8 obviously different good faith instructions depending on
9 particular statutes, and I'm not sure what you're thinking
10 about.

11 MS. COHEN: Yeah, I mean, I think if -- we would say
12 if the jury can find as if someone acted in good faith, that
13 the charge -- that that goes to the intent to act in a certain
14 way the law forbids. And so we do have the cases. I just
15 haven't briefed this yet.

16 THE COURT: Okay.

17 MS. COHEN: It was something we started thinking
18 about today, but we just want to think about it, and as we
19 were sitting here, it came to mind.

20 THE COURT: That's fine.

21 MS. COHEN: I'm just not prepared to discuss it.

22 THE COURT: That's fine.

23 MS. COHEN: I just wanted to raise that.

24 THE COURT: Any comment on that?

25 MS. BENSING: We would oppose that.

1 THE COURT: Yes. I'm not sure that that would be
2 appropriate, but I haven't seen it, and I will consider
3 anything you want to give me.

4 MS. BENSING: Okay. Great.

5 MS. BONJEAN: Your Honor, I do think a couple issues
6 that were raised by the original joint --

7 THE COURT: Yes?

8 MS. BONJEAN: There were some legal arguments in
9 there, objections to the statute or the instructions regarding
10 the forced labor statute itself, and it's been a while since
11 we were working on those.

12 But I do want to flag for the Court that we lodged
13 objections about the inconsistencies in the mens rea from the
14 forced labor statute under A and B, and that's not -- I don't
15 know if that's an instruction issue as much as our, you know,
16 an issue with the statute itself.

17 I can tell you from looking at the research, it's
18 not really been addressed, but I want to make sure that I'm
19 preserving objections with those issues and I don't really
20 know exactly what I'm asking the Court to do at this moment.

21 THE COURT: Okay. I mean, because you will be
22 proposing particular language. You have already.

23 MS. BONJEAN: Yeah.

24 THE COURT: And I will be giving you a draft and
25 then you'll be telling me if you have any objections or want

1 to add any language for my consideration.

2 So beyond that, I'm not really sure what you are
3 asking me or if you are asking me anything.

4 MS. BONJEAN: I'm really not.

5 THE COURT: Okay.

6 MS. BONJEAN: I think when we get a proposed charge
7 from the Court, there may be objections that we continue to
8 raise, which, again, may be objections that appeared in the
9 original joint proposed jury charge, but --

10 THE COURT: I think it will be easier once we have a
11 draft for everybody to be focusing on.

12 I think there were a few places where one party or
13 another thought maybe the charge was giving too much of
14 another party's theory, maybe.

15 You know, I'm intending to instruct them on the law.
16 The parties will be making their arguments in summation, and
17 that's not the function of the charge.

18 MS. BONJEAN: Yes. I think we made an objection on
19 a number of times where we believe that the Government was --
20 their charge included language such as you need not prove
21 this, you need not prove -- they need not -- the Government
22 need not prove this, the Government need not prove that.
23 There was like a lot of examples.

24 And I understand that that is sometimes appropriate,
25 but I think our objections where -- it was more about what

1 they didn't have to prove than what they did.

2 And, again, I think I articulated that in the
3 submission, so I don't know that I need to go back over that
4 again.

5 THE COURT: I think that's right. Okay.

6 Did you want to be heard on that?

7 MS. BENSING: No. I do think we had very thorough
8 briefing on these issues for the Court. So unless the Court
9 has any questions -- I think the one place where we thought we
10 could narrow was with the abuse of legal process.

11 THE COURT: Okay. So how quickly do you think -- I
12 guess something like the First Amendment charge, which was not
13 proposed before, if you have one, it's something I would want
14 to see before.

15 MS. COHEN: Yes.

16 THE COURT: Oh, you have one already now?

17 MS. COHEN: No. Sorry. I was going to say that we
18 proposed something that the Government is disagreeing with,
19 that we would like to work it out, so we can come to you with
20 a joint proposal that would be easier for you than --

21 MS. BONJEAN: We provided a draft to them.

22 THE COURT: Okay. I don't want a lot of submissions
23 this weekend, frankly, but I do want to be working on this
24 particular project, and I have been working on it. So I do
25 want anything on this sooner rather than later because I don't

1 want to -- I'm not going to give you a draft that doesn't have
2 things that you think are important for me to be considering
3 at least.

4 MS. COHEN: Right.

5 THE COURT: So we're not going to do this in more
6 waves. We're in the middle of trial now.

7 MS. COHEN: Yes. Well, that's why we were hoping to
8 work out the language here --

9 THE COURT: Okay.

10 MS. COHEN: So at least you can say that both
11 parties agree on it, rather than giving you two separate
12 versions.

13 THE COURT: Okay.

14 THE COHEN: That's what we're hoping, so --

15 THE COURT: If you don't agree, you don't agree,
16 that's fine. I will take what you have. How quickly can you
17 do that?

18 MS. BENSING: So we received a draft just this
19 morning --

20 THE COURT: Okay.

21 MS. BENSING: -- from the defense.

22 THE COURT: Okay.

23 MS. BENSING: So I just haven't had a chance to dig
24 into it, but I will do that. And so perhaps we can get the
25 Court something on Sunday if that works and then the Court --

1 whatever the Court prefers.

2 THE COURT: I know you all have a lot else to do for
3 this trial, too, and, frankly, I have a lot else to do, too.

4 But sooner rather than later. If you can get it to
5 me by tomorrow at some point?

6 MS. BENSING: Okay.

7 THE COURT: If that's possible? But if you think
8 it's useful to spend more time talking to each other and in
9 the end, that will eliminate issues, then you can get it to me
10 a little bit later than tomorrow.

11 MS. BENSING: Okay. We'll do our best, Your Honor.

12 THE COURT: That's fine. I understand. I know
13 everybody's working hard.

14 MS. COHEN: And we'll also -- this good faith, we
15 will get that to you by tomorrow, I believe.

16 THE COURT: Okay.

17 MS. COHEN: But we're going to think that over.

18 THE COURT: Okay. But you'll get something to the
19 Government on that as well?

20 MS. COHEN: Yes.

21 THE COURT: Okay. Let me deal with a couple of
22 other issues. I really do want to let you get out of here,
23 though.

24 I think earlier in the week Ms. Farrell had
25 anticipated that maybe the Government wanted to put in some of

1 this financial-related evidence as early as today. I figured
2 that was not going to be the case since we lost the day with
3 the juror. But I do want to turn back to that.

4 So let me turn to the Government's motion to admit
5 certain financial evidence. That motion is filed at ECF No.
6 382.

7 The proffered evidence in general appears to be
8 highly relevant to the crime charged, and the probative value
9 of the proffered evidence does not appear to be substantially
10 outweighed by a danger of unfair prejudice, confusing the
11 issues, misleading the jury or any of the other dangers set
12 forth in Rule 403.

13 I had previewed on November 15, 2024, that I did not
14 anticipate Rule 403 counseling against admission based on what
15 had been presented to the Court up to that time now that I
16 have significant additional detail, it is clear Rule 403 does
17 not counsel against admission.

18 I will not preclude the proffered evidence as a
19 general matter, but, of course, the Government must comply
20 with the Federal Rules of Evidence when offering specific
21 testimony or other evidence.

22 I think I'm still waiting on a submission on the
23 experts; is that right?

24 MS. BENSING: Yes, Your Honor.

25 So the Government does, as I previewed for the Court

1 yesterday, has its portions prepared. We were waiting to get
2 something from the defense.

3 I think we have spoken to the defense. And if it
4 works for the Court, we will go ahead and file our portion
5 now. And the defense, I understand, is still working on what
6 their proffered expert might say.

7 And they may be two unrelated issues, so I think if
8 it could benefit the Court to see the Government's proffer as
9 to its expert now, we can provide that to the Court to review,
10 since it's prepared.

11 THE COURT: What do you mean by unrelated issues?

12 MS. BENSING: Because I think what they intend to
13 provide to the Court -- and correct me if I am wrong --
14 obviously, would be their own proffer of their -- of what
15 their own expert might say.

16 THE COURT: Right.

17 MS. BENSING: Which I think is a little bit
18 different.

19 I think the Government -- from the Government's
20 perspective, we believe that the expert's testimony is
21 relevant and probative, and I think the Court had asked us to
22 provide more of an outline of what exactly the expert would
23 say --

24 THE COURT: Right.

25 MS. BENSING: -- and whether or not we can like

1 limit that in some way from what we had actually proposed, and
2 that's what we've done.

3 THE COURT: Right.

4 MS. BENSING: So that's what we're prepared to
5 provide to this Court immediately.

6 MS. BONJEAN: And we are going to -- our goal is to
7 provide a written objection. We still object to the admission
8 of expert testimony.

9 And I guess in the alternative, if the Court permits
10 it, to -- I think the Court would want to hear what our expert
11 would be inclined to testify to or is prepared to testify to
12 and what we would be proffering him for.

13 THE COURT: Right. That's exactly what I wanted.

14 MS. BONJEAN: So we did get the -- I think they sent
15 over the written submission.

16 Last night, I was working on the materials for
17 Kandell.

18 THE COURT: Yes, and that was a very helpful
19 submission.

20 MS. BONJEAN: So I think you have our respective
21 positions on that.

22 And so I think what Ms. Bensing is suggesting -- and
23 I can go either way, either they file their position on the
24 experts and we file a separate submission in response or if
25 you want us to wait and put it together in a joint submission,

1 I can do that, but it's not happening tonight. It can happen
2 tomorrow.

3 THE COURT: Yes. That actually would be helpful if
4 I can get the joint submission tomorrow.

5 MS. BONJEAN: Okay. I can do that.

6 (Continued on next page.)

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1 (In open court; 3:46 p.m.)

2 THE COURT: That's fine.

3 Let me take up part of what's in the submission
4 that Ms. Bonjean filed, whoever I think it was, Ms. Bonjean
5 who filed last night. I know it's all joint.

6 MS. BONJEAN: Yes.

7 THE COURT: What was a response to the
8 Government's submission.

9 And what I'm talking about now is the Government's
10 submission at 387 and the defense at 388.

11 I don't think we need to get into everything right
12 now because some of this does not relate to Mr. Kandell and
13 some of it, frankly, I don't think I could possibly rule on
14 because it seems to be lacking context at the moment. So I
15 would need to know more about what exactly the foundation
16 would be for some of this.

17 But let me just talk about the Kandell testimony,
18 about the New York Times article. And I want to understand
19 more specifically, and I know that you said that, I mean you
20 don't know exactly what Mr. Kandell will say, but I need to
21 understand more specifically what you think the testimony
22 would be.

23 MS. BENSING: Yes. So one thing that I wanted to
24 make clear is that we don't intend to admit the article.

25 THE COURT: I know, yes.

1 MS. BENSING: Okay. So what I anticipate the
2 testimony would look like is I anticipate that he will
3 testify that One Taste established an ethics committee or
4 ethics standards approximately around the time that the New
5 York Times article was coming out in an effort to shore up
6 its standards in light of what might be getting more
7 widespread attention following -- that that prompted them to
8 implement some of these ethics standards that I think the
9 defense attorneys have been asking some of our witnesses
10 about on cross-examination.

11 And so, that's kind of the first piece of
12 development in the times article. That obviously doesn't
13 get in the content of the articles whatsoever, just the
14 effect of it.

15 But with respect to that, I think we would also
16 anticipate eliciting that in the article itself, which
17 Mr. Kandell discussed with the defendant Daedone, that the
18 article itself has allegations that One Taste manipulated
19 people; that One Taste had a cult-like atmosphere. And then
20 there are statements, obviously, in the article by Daedone
21 that One Taste had a high potential to be a cult and that
22 she was treated as a guru.

23 And so, I think that's are --

24 THE COURT: Let me just stop you there for a
25 moment because you're not going to be offering the article.

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1 So you're going to be offering testimony from Mr. Kandell,
2 and is it the expectation that he would say that he spoke
3 with Ms. Daedone about specific statements in the article?

4 MS. BENSING: What I anticipate he will say is
5 that they discussed the article, like, so we have an e-mail
6 that shows the article being sent to her among other
7 One Taste executives I think by Reese Jones, that doesn't
8 matter. But I anticipate that he would say that they
9 discussed it. She thought that some things in it were
10 misrepresentations. He thought that it was a fair article.
11 And the point of all of this is just to demonstrate notice.

12 THE COURT: Okay. Let me stop you there. Notice
13 of what?

14 MS. BENSING: Notice that the defendant -- that
15 the defendant was on notice that there were these
16 allegations about the way that she was running One Taste
17 including her own statements about the way that she was
18 running One Taste that I think go to the heart of this
19 psychological --

20 THE COURT: What is her own statement about the
21 way she was running One Taste that you are talking about?

22 MS. BENSING: That it had a high potential to be a
23 cult and that people treated her like a guru. I think that
24 shows that she was on notice of her position of power over
25 this group-like atmosphere.

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1 THE COURT: Isn't that controverted? That she was
2 at the top of this organization.

3 MS. BONJEAN: Not even a little bit. Every single
4 witness we've heard from said she is the leader, the
5 founder, the visionary. Every word possible.

6 MS. BENSING: Your Honor, I think there has been a
7 defense theory in this case where they are asking witness
8 after witness, well, didn't you say -- did you ever tell
9 Nicole this? Did you ever tell Rachel this? Did you ever
10 tell them that you felt manipulated? Did you ever tell them
11 you had concerns. This is a conspiracy case.

12 So, in 2009, the defendant, at least Daedone, and
13 at least Daedone is on notice that people felt manipulated.
14 People felt that this was a coercive environment. And
15 so --

16 THE COURT: You're saying "manipulative" and then
17 you're saying "coercive."

18 Where is the coercive part?

19 MS. BENSING: Well, so there on Page 3.

20 THE COURT: You're talking about the article?

21 MS. BENSING: Of the article. What I think is
22 Page 3 of the exhibit.

23 THE COURT: Yes.

24 MS. BENSING: There's a reference that she
25 manipulated individuals. At least one individual indicated

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1 that, quote, you stop trusting yourself and start trusting
2 Nicole. That they're losing their identity which is, I
3 think, very on par with what --

4 THE COURT: Let me go back to the conversation
5 because, again, you're not seeking to put in the article.

6 Is it going to be that granular that you expect
7 Mr. Kandell will say he had a conversation about these
8 specific statements in the article?

9 MS. BENSING: No. I mean, I don't know but I
10 don't think so. That's not my present understanding.

11 THE COURT: Okay.

12 MS. BENSING: My present understanding is that he
13 would say that the article came out, there was discussions
14 between him Nicole Daedone about the article. That she felt
15 that some parts of it was a misrepresentation and that he
16 felt that it was a fair-and-balanced article.

17 THE COURT: How is that going to be at all helpful
18 to a jury in deciding anything if they don't have the
19 article?

20 MS. BENSING: Because I would ask him, did the
21 article report X?

22 THE COURT: That's what I'm asking you.

23 MS. BENSING: Yes.

24 THE COURT: It's what I'm asking.

25 Is the conversation going to be oh, no, I think

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1 maybe you and I are talking past each other.

2 You're just going to ask him -- he's going to give
3 general testimony about a conversation with Ms. Daedone
4 about the article where she said she thought some of it was
5 not accurate and he said he thought the whole thing was fair
6 and balanced, right? I'm paraphrasing what you just said.

7 MS. BENSING: Something along those lines. And I
8 don't know exactly what he's going to say.

9 THE COURT: But then you -- it does sound like you
10 then are going to go through what the article said.

11 MS. BENSING: Well, I just want to draw out the
12 points of what the article said with respect to
13 manipulation, her own statements about having a cult-like
14 atmosphere because the fact that they then talked about it
15 shows that she was on notice to of those things. So, again,
16 it's not more the truth of any of those things but thought
17 that she was on --

18 THE COURT: I understand your argument is not for
19 the truth of it for notice. What I'm focusing on is notice
20 of what?

21 MS. BONJEAN: Your Honor, if I could interject on
22 one thing.

23 THE COURT: Yes.

24 MS. BONJEAN: That's terms, and this is the
25 problem of the case but I don't get on my soap box there.

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1 But the bottom line is words like "manipulation"
2 and "cult-like" are we don't know how those words were being
3 used; we don't know how they were being interpreted. They
4 are so general in nature.

5 THE COURT: Right. When a witness is on the stand
6 of course you can ask but now you're talking about the
7 article.

8 MS. BONJEAN: I'm talking about we don't know at
9 the time when, in 2009, whatever that anonymous person
10 communicated to that reporter that went into a news article
11 that got funneled down to Kandell and Ms. Daedone, we don't
12 know what was intended by the person who said, "the
13 detractors," who said that she was the a manipulator. And
14 we don't know how it was perceived by them.

15 And that some people called it a cult-like
16 organization which, by the way, there's been testimony to
17 that effect, I don't know there's any great surprises there.
18 But because of the general nature, it doesn't necessarily
19 mean that they're on notice of what they specifically
20 charged here or what the allegations are. It's just too
21 tenuous.

22 I could see a different type of allegation but I
23 don't think those are the allegations. And, frankly, it's
24 contrary to what the Government -- the position the
25 Government took much earlier which is we're not saying

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1 there's anything wrong with a cult, there's nothing
2 inherently wrong with a cult. Cult can be pernicious, cults
3 can be okay, cults can be somewhere in between. And to
4 suggest this suggests automatically mind control and
5 coercive tactics and that the notice they're saying that a
6 cult-like organization reference would put her and that's
7 just not the case. There are plenty of lovely cults out
8 there, apparently. And we could talk about what's a cult
9 and what's not.

10 I won't go into a politics but the point is, is
11 that is that there are that word is bandied about in a very
12 loose way. And the fact that it appears in an article how
13 would that put her on notice of really anything? I think,
14 you know, people say CrossFit is a cult because of the whole
15 like-minded group thinking. But it doesn't necessarily mean
16 it puts something on notice that bad things are happen.

17 MS. BENSING: Your Honor, can I just respond?

18 THE COURT: Yes.

19 MS. BENSING: Because I don't think that words
20 like manipulation or the quote, having cult-like powers over
21 her followers, manipulating people, people indicating that
22 you stopped trusting yourself and start trusting Nicole.
23 Nicole's statements that there was a high potential for this
24 to be a cult and that everybody treating me like a guru are
25 at all vague or at all broad. I think they pertain directly

1 to the type of manipulation, psychological harm that the
2 Court has heard evidence of in this case.

3 And so, I understand that there may be legitimate
4 points for cross-examination by Ms. Bonjean but I don't
5 think that that should preclude admission of Mr. Kandell
6 who, as the Court knows, we consider to be a co-conspirator.
7 His testimony that the company, and he and Nicole in
8 particular, were on notice of these kinds of claims in March
9 of 2009.

10 THE COURT: Do you anticipate testimony from him
11 that he took actions as an, I don't know, if he was, what
12 his role was at that time, but in response to this article?

13 MS. BENSING: Well, so, the next kind of point
14 that I want to draw out through him is that the company did
15 start paying reputation.com which is like a --

16 THE COURT: We need to talk about that as well.

17 MS. BENSING: Yes. To clear their associations
18 with a cult. And so, I think the company did tart making
19 efforts to try to kind of white wash this history of their
20 association with the word "cult" and some of the allegations
21 in the New York Times article but, no, he's he stayed until
22 2014.

23 And so, that's also relevant I think, your Honor,
24 that the people who were leading this company were on
25 notice, or this organization, were on notice of these kinds

1 of claims and didn't make changes based on it.

2 MS. BONJEAN: I think we're really wading into
3 First Amendment territory right now. There is nothing
4 inherently illegally about a cult, there just isn't. And
5 there is an assumption based on this argument that if there
6 are people saying that this is a cult that automatically has
7 a negative connotation such that it puts you on notice that
8 you're doing something wrong. That is what the Government
9 is arguing here lest there be any doubt saying something is
10 cult-like or cultish and that One Taste may have understood
11 that the common perception of cults is a negative one,
12 which, ironically, we argued in jury selection, that in our
13 request on jury selection, that exact point and the
14 Government said, no, people -- we're not saying that they're
15 inherently pernicious or anything of that nature. There's
16 no negative association.

17 But now that's exactly what they're saying.
18 They're saying just the mere use of the word "cult" means
19 that it put Mr. Kandell and Ms. Daedone on notice. And the
20 fact that they wanted to repair their reputation because of
21 the association is some type of admission of guilt.

22 And I can't keep the Government straight on this
23 because they are really are talking out of both sides of
24 their mouth. Are we cults are always bad or are we saying
25 it depends. If we're saying it depends, then what that

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1 means is just people using the word cult shouldn't put
2 people on notice of anything.

3 MS. BENSING: Your Honor, I don't think we're
4 saying one thing or another.

5 We're not saying that. We're not trying to prove
6 that One Taste was a cult. We are just trying to show that
7 they had notice as of 2009 that people were making claims
8 about cult-like powers of their followers. That they were
9 manipulating people. And, by the way, this is like in the
10 same time period that Daedone is sending women to service
11 Reese Jones. And that continues, by the way, through 2012
12 through 2013.

13 And so, I think that it is highly relevant that
14 she was aware that there were these claims particularly in
15 light of defense arguments that, you know, X, Y, and Z
16 person didn't tell Nicole at the time X, Y, and Z thing.
17 The company was on notice about the way that it was running
18 its organization with respect to its followers. I mean, I
19 think the Court understands our argument.

20 THE COURT: I do.

21 MS. COHEN: Your Honor, we've heard witness after
22 witness after witness testify and their experiences in
23 length. This, whatever is in this article, whatever this is
24 about, has nothing to do with these witnesses and what has
25 been testified in this courtroom.

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1 And if you think about it from a company
2 standpoint, I mean, I worked for a large financial
3 institution and I heard complaints and issues in the company
4 in dealing with that, it's constant, right? So you're
5 always hearing complaints about and reevaluating it and
6 doing and taking positions at a company. That does not mean
7 that the defendants were on notice of what is coming in in
8 testimony in this courtroom based on this article. So, you
9 know, along with the other reasons.

10 MS. BONJEAN: I think it is also true that they
11 may have been aware of the perception, the perception of
12 them as a cult is very different than them saying, oh, I
13 know there are legitimate complaints out there about
14 coercive tactics. And I just don't think that these items
15 are sufficient to show that they were on -- they were
16 certainly on notice that they were perceived as a cult. We
17 can all agree on that but the question is, so what does that
18 have to do with this case exactly unless the Government is
19 suggesting that the fact that the company was aware that
20 they were perceived in this way automatically means that
21 they were on notice that these were tactics that were being
22 used. And I think that's where, you know, we have a
23 disagreement on that point.

24 THE COURT: Yes. I know I hear the Government
25 talking about notice but I keep asking the same question

1 which is notice of what? I mean, you know, we have a very
2 specific charge here, right? There is one count and the
3 notice, it's not just notice in general of somebody saying
4 something, right?

5 MS. BENSING: Yes, of course.

6 Notice as to serious harm, your Honor. And the
7 serious harm here is any harm under the statute including
8 reputational harm, including psychological harm, I don't
9 think financial harm really pertains to this particular New
10 York Times article. And so, it's notice as to the methods
11 of causing serious harm or threats of serious harm in a
12 conspiracy case, your Honor.

13 And I think, you know, to take Ms. Cohen's
14 example, for example, like in an insider trading case if
15 there were, like, allegations or complaints that the company
16 had an insider trading, that would be relevant to an insider
17 trading conspiracy.

18 And so, here the issues are, I think, a little
19 more complex because we're talking about a definition of
20 serious harm that I think is in some ways complex. But I
21 think these allegations about, I mean, I just keep going
22 back to the language cult-like powers over her followers,
23 manipulating individuals, stop trusting yourself and start
24 trusting Nicole. Nicole's own statements that there was a
25 high potential for this to be a cult. I mean, these are

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1 things that she was on notice of as of 2009 and I think
2 Ms. Bonjean is saying that it's not in dispute that
3 One Taste was on notice of these things. But I think that
4 is in dispute because I think that the defense had been
5 asking questions of the witnesses suggesting that the
6 defendants had no idea that these claims were being made
7 which is just like a false picture.

8 (Continued on the next page.)

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1 (Continuing.)

2 THE COURT: I don't think I've heard any testimony
3 that says that either of the individual defendants didn't
4 know that some people thought of the organization as a cult,
5 right?

6 MS. BONJEAN: I think -- I think Mr. Hubbard
7 testified, their own witness, that Ms. Daedone leaned into
8 it in some way and said, oh, I'm the leader of a sex cult.
9 Now, he said it was like, you know, in a sort of, you know,
10 provocative way of something of that nature. But again, I
11 don't think it's in dispute that that was something, like,
12 almost from the start that they understood that they were
13 being perceived that way. You know, I don't -- again, I
14 think we just disagree about what that means.

15 Now, I will say this. Here's where the problem
16 is. And it does come down to the definition of "serious
17 harm," which I think this case is coming down to no matter
18 what, in every sense of the word. The allegation in the
19 article is manipulation, certain methods that were used,
20 right? Allegedly. We don't know what that -- people call
21 their bosses manipulative all the time. People call their
22 mother-in-laws manipulative. People call their children
23 manipulative. It is such a -- it's not like, you know, he
24 tied me up and locked me in a bedroom. That's pretty clear
25 and concrete. Someone was manipulative and you stop

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1 thinking for yourself. I mean, I can't think of any more
2 scenarios.

3 The point is, I'm not saying that they don't --
4 they can make their argument that that constituted serious
5 harm. The problem is, when we're looking at an article with
6 multiple levels of hearsay, what was intended by that person
7 and how it was perceived by the people who read that article
8 is a different matter. We don't know that it was intended
9 the way that we're looking at it in this courtroom 20 years
10 later or 15 years later, or that Ms. Daedone or Mr. Kandell
11 read that in the way that we understand it today in this
12 courtroom. And that's why it's not admissible under notice,
13 because it's manipulation. They're seeing it through their
14 lens at this point, with all this benefit of the hindsight,
15 which is also a theme. But that doesn't mean in the moment,
16 it put them on notice of what we are here battling about
17 today. And that's why I think it's improper.

18 MS. COHEN: And I'll just add in terms of the
19 example of insider trading, that is very specific. I mean,
20 if you have evidence that a company was aware that there was
21 insider trading and didn't do anything, that we understand.
22 But that's the exact point here, that the incidence of
23 alleged force labor in this case that we've heard in the
24 courtroom, that is what -- the question of whether they were
25 on notice. And the question that the defense has been

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1 asking, of course, is about what was -- what the defendants'
2 knowledge was, which is obviously a key element of the case,
3 and if we weren't asking those questions, I don't think we
4 would be doing our jobs. And the point is, you know, these
5 witnesses were saying they're forced, and was that conveyed,
6 did the defendants know that what they were doing was
7 actually forcing these people to work.

8 THE COURT: Okay.

9 MS. BENSING: Can I just make one more comment,
10 Your Honor?

11 THE COURT: Go ahead.

12 MS. BENSING: Which is, I understand what they're
13 saying, but the person who is going to be eliciting that is
14 somebody who the Government is alleged to be a
15 co-conspirator. They can cross him on their understanding
16 at the time, his conversations with Daedone at the time, the
17 company's response to this at the time. He's available to
18 testify. And so --

19 THE COURT: What you're proffering is that he's
20 going to testify simply that he had a conversation with her
21 about the article, but not about any of the specific
22 comments in it, right?

23 MS. BENSING: I -- I don't -- I don't fully know,
24 Your Honor. I haven't, like, had a full opportunity to
25 explore comment by comment with him. So I just don't want

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1 to --

2 THE COURT: Okay. That's fine. I understand the
3 parties' positions.

4 Let me just address what I think is the final
5 issue that relates to Mr. Kandell, at least in terms of the
6 submission that the Government put in that the defense
7 responded to, which is this -- I think it's a Texas
8 incident? No, maybe it's --

9 MS. BENSING: Yes.

10 THE COURT: Is it a Texas incident?

11 MS. BENSING: Austin. I can give a little more
12 context.

13 THE COURT: Okay.

14 MS. BENSING: Because I don't think as much of
15 this is going to come out.

16 THE COURT: Well, maybe none of it is.

17 MS. BENSING: So here's what I anticipate he will
18 testify to.

19 There were some questions by the defense about the
20 closing of the Boulder location with respect to Liana
21 Lifson, who testified. I anticipate that I will ask
22 Mr. Kandell why these kind of outposts closed, like Austin
23 and Boulder, and why people were moved to, for example, the
24 larger cities in New York and San Francisco and I think
25 maybe LA. And I anticipate what he'll say is that there was

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1 an incident in Austin involving some kind of alleged sexual
2 assault, and that precipitated the closure of some of these
3 outposts.

4 THE COURT: Including Boulder?

5 MS. BENSING: Including Boulder, yeah. And so
6 it's going to be as limited as that. It's essentially to
7 explain why these were closed, and I think the suggestion
8 from the defense was that it was closed because of Liana
9 Lifson's poor sales. That's just --

10 THE COURT: Okay. But maybe there's a way you can
11 sanitize the reason.

12 MS. BENSING: Yeah, I think that's fine. I think
13 I could instruct him on Monday to not get into the nature of
14 the allegation. It's just to demonstrate what happened with
15 respect to these other cities. At least that's my
16 understanding of what he'll testify to.

17 THE COURT: Let me ask the defendants about their
18 position on that.

19 If there is some sanitizing of what exactly
20 happened, but that there was something that happened with,
21 you know, an employee that is -- I don't know if you want to
22 say who it is or not who it is, but making clear it's not
23 one of the two defendants, that caused the company to decide
24 to close certain places. Is that --

25 MS. BONJEAN: So, first of all --

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1 THE COURT: If that's what's to be believed.

2 MS. BONJEAN: -- I didn't see that in the 302.
3 Maybe I missed it. So maybe this is something --

4 THE COURT: I have the 302 here?

5 MS. BONJEAN: I don't know. I don't remember if
6 it's in there.

7 MS. BENSING: You have a 3500 binder.

8 THE COURT: Okay. But it's not part of your
9 motion?

10 MS. BENSING: No, no.

11 THE COURT: Okay.

12 MS. BONJEAN: That Mr. Kandell may testify to
13 this, I guess, is news to me. And so that's one thing. So
14 I guess I have to digest that because that's not my
15 understanding. But maybe I'm wrong about that.

16 But now -- so now I'm a little confused, though,
17 about what is the reason the Government is offering it. Are
18 they offering it to show that it's not true that Boston
19 closed down because Liana Lifson did a lousy job -- that
20 Boulder closed down because Liana Lifson didn't do a great
21 job, or is it because of notice of something. And some
22 random guy going into -- I mean, that could happen at any
23 large company, a random man that goes into another woman's
24 space and grabs her breast, which I think is what the
25 allegation is. What would that possibly -- that would just

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1 say that there's some guy that you've got to kick out of
2 your company.

3 THE COURT: Right. So it was pitched in the
4 motion as notice, and I have the same question about this.
5 But what I'm hearing now is something different.

6 MS. BENSING: Yeah, I think it's what we wrote
7 here in number 3 on pages 1 to 2 of our motion: Testimony
8 regarding a complaint posted which subsequently led to the
9 closure of OneTaste, the affiliates, including Austin and
10 Boulder.

11 THE COURT: Right. But the whole first paragraph
12 of your motion says you're not offering this for the truth,
13 but rather to show that the defendants were put on notice of
14 certain facts. So --

15 MS. BENSING: Maybe that was inartfully worded.
16 We're not offering the alleged assault for the truth of it.

17 MS. COHEN: So why are you offering it?

18 MS. BENSING: We're offering it to show the steps
19 that the company took with respect to Austin and Boulder.
20 It's not for his truth. The point the Government was trying
21 to make is we're not trying to prove whether or not the
22 assault happened or didn't happen.

23 MS. BONJEAN: I guess it's not following what the
24 relevance is, unless, I don't know, maybe they're trying to
25 say OneTaste did a good job? I'm just not following --

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1 THE COURT: I think what Ms. Bensing just
2 proffered was that she wants to be able to elicit why some
3 of these -- I don't know what you call them, satellite
4 offices, whatever it is -- these city offices were closed.

5 MS. BENSING: Yes.

6 THE COURT: The reason why the company closed some
7 of these, including Boulder, where a witness testified she
8 worked and it was closed.

9 MS. BENSING: And I'm not sure that there should
10 be a huge issue here. I don't think I have an issue with
11 sanitizing it in the way that the Court just proposed. So
12 again, in an abundance of caution --

13 THE COURT: I tend to agree with the defense on
14 this, that sort of one person with this one activity, I'm
15 not sure what anyone is supposed to do with that.

16 MS. BENSING: I don't think -- I don't think we
17 have a real disagreement here. We've put it in our motion
18 to let everybody be aware of what we anticipated the
19 testimony might be. I don't think we have a strong
20 objection to removing the nature -- the nature of the
21 alleged incident.

22 MS. COHEN: The fact that both were closed -- I'm
23 missing why Boulder is connected to Austin.

24 THE COURT: It sounds like they decided to close
25 multiple locations based on that incident, if what

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1 Ms. Bensing is saying is what's going to be the testimony.

2 MS. BENSING: He will testify to what he testifies
3 to. I'm trying to give the best proffer that I can about
4 this based on my understanding.

5 MS. BONJEAN: I would also point out that the
6 incident was posted in 2013, and Austin closed in 2017. So
7 I'm not sure what Mr. Kandell's going to testify to, but I
8 still have questions about, like, this correlation. It sure
9 seems to me that the goal is to put something, you know,
10 pretty prejudicial, that really doesn't make it more or less
11 likely that any of these allegations are true.

12 THE COURT: Well, they're not going to put in the
13 sexual part.

14 MS. BENSING: That is literally not the goal,
15 because we're agreeing not to do it.

16 MS. BONJEAN: Well, if they're not putting in the
17 sexual part, then -- I think they are trying to put in the
18 sexual part.

19 MS. BENSING: No, we're not. I don't know how
20 else to say it.

21 MS. BONJEAN: There was just a complaint that came
22 in and it closed down?

23 MS. BENSING: Your Honor, the testimony is going
24 to be what the testimony is going to be. If Ms. Bonjean
25 wants to cross him on it, obviously she is well within

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1 her --

2 THE COURT: Well, wait. There has to be some
3 parameters here, though, because I'm making a, at the very
4 least, a 403 determination, but first I have to make a
5 relevance determination.

6 MS. BENSING: Yes, of course.

7 And so my understanding is he will talk about the
8 closure of Boulder, which is I think what is relevant here,
9 and my understanding is that it will be tied to this
10 incident that happened in Austin. And so I can instruct him
11 not to get into the nature of the incident in Austin.

12 MS. COHEN: Oh, I missed that in the letter that
13 it said Austin and Boulder.

14 MS. BONJEAN: Yeah, this is kind of just new
15 information. I didn't even know the connection between
16 Boulder and Austin and this incident --

17 MS. BENSING: It's on pages 1 to 2 of the
18 Government's letter that we filed.

19 MS. BONJEAN: Well, again, there's been no prior
20 notice, and maybe I'm not -- I'm not saying anything, I'm
21 just saying, like, we have not been notified about this
22 proposed testimony. It seems like it would have come up,
23 but --

24 THE COURT: Okay. Do you have any objection to
25 the Government eliciting such testimony sanitized to not

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1 mention any sexual assault or whatever you want to
2 categorize it as?

3 I mean, give me a proposal, Ms. Bensing, of what
4 you would want to have the witness be constrained to saying.

5 MS. BENSING: There was -- why did the Boulder --
6 why did OneTaste pull out of Boulder? And then I can
7 instruct him to the extent that the answer to that would be
8 pertaining to this incident in Austin, I can instruct the
9 witness not to testify about the nature of the incident.

10 THE COURT: So what would that look like in
11 practice?

12 MS. BENSING: So I can instruct him not to talk
13 about the fact that it was a sexual assault.

14 THE COURT: So what does that leave him?

15 MS. BENSING: Oh, that there was an incident that
16 happened in Austin that led the company to want to pull --
17 to pull back from these cities.

18 THE COURT: I think it almost would have to be --

19 MS. BENSING: We can --

20 THE COURT: It would be less mysterious than that,
21 though. The defense might have an issue with it being so
22 mysterious.

23 I'll hear from them on this.

24 MS. COHEN: Yeah, I mean, I guess the question is
25 was Boulder -- was Boulder -- did the closing of Boulder

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1 have nothing to do with the financial failings of it. If
2 that's the goal, to contradict Liana, then --

3 MS. BONJEAN: I mean, I don't --

4 MS. COHEN: Not contradict, I'm sorry.

5 THE COURT: I know what I mean.

6 MS. BONJEAN: Yeah, I guess I'm still a little --
7 I'm still a little confused about how this is going to play
8 out, particularly since it appears as if Austin closed
9 later, it's so incongruent. Like why would Boulder close
10 because of an incident in Austin and then Austin doesn't
11 close until three years later. It just doesn't make sense
12 to me.

13 MS. BENSING: Your Honor, she --

14 MS. COHEN: They don't seem related to us, at
15 least from our understanding.

16 MS. BENSING: She can ask him these questions.

17 MS. BONJEAN: I still have the right to --

18 MS. BENSING: We do not have --

19 THE COURT: One at a time.

20 MS. BONJEAN: We have the right to know based on
21 the fact -- let's not forget that this all got teed up
22 because they -- the Government showed us a public posting
23 that they believed they thought was relevant. So that's
24 kind of our starting point. Now, they're saying we're not
25 going to talk about that incident itself. That's fine. But

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1 I guess I'm just -- I do think we have the right to have
2 some contours of what this testimony looks like given the
3 fact that we started from a place where they wanted to
4 elicit testimony about a random sexual assault of some type
5 by some random guy in Austin, and I guess I'm just not
6 following what --

7 THE COURT: All right.

8 MS. BONJEAN: We can continue to talk about it.

9 THE COURT: I don't think that's helpful, because
10 everybody has made really clear they have no idea what
11 Mr. Kandell might say.

12 MS. BONJEAN: Right.

13 MS. BENSING: Well --

14 THE COURT: But I am going to let the Government
15 know that I will not allow you to elicit that there was a
16 sexual assault.

17 MS. BENSING: Yes, I understand.

18 THE COURT: Beyond that, I'll have to see what the
19 testimony is as to whether it's relevant and whether you've
20 laid a foundation for it.

21 MS. BENSING: Yes, understood.

22 THE COURT: Okay.

23 Is there anything else relating to Mr. Kandell's
24 testimony that we need to take up? I don't think any of the
25 other items in your filing at 387 deal with Kandell; is that

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1 correct?

2 MS. BENSING: I believe that's correct.

3 THE COURT: And who is after Kandell in terms of
4 the lineup?

5 MS. BENSING: Well, we are nearing the end of the
6 case, but I think we do still have some longer witnesses.
7 So there is another victim witness who we intend to call.
8 We intend to call an individual named Ken Blackman. So
9 those might be the two that come after him. I do anticipate
10 that Mr. Kandell may take some time on Tuesday, and so we
11 may not get past him on Tuesday.

12 THE COURT: Take some time because of the content
13 or because you think he will be a challenging witness?

14 MS. BENSING: Because of the content.

15 THE COURT: I mean, you have a lot to do with him,
16 is that what you're telling me?

17 MS. BENSING: Yes, yes. The Court has our binder
18 and I flagged --

19 THE COURT: I know, but the binder sometimes bears
20 no relation to the layout of the exam.

21 MS. BENSING: No, no. I think, as I flagged for
22 the Court last week, we are intending to introduce a number
23 of documents through him, which the Court has in its binder
24 and which we have put the defense on notice of the exact
25 documents, as well.

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1 THE COURT: Okay.

2 Is there anything that the defense thinks we need
3 to take up with respect to Mr. Kandell, and then I don't
4 know for the next witness after that, if there's any issue?
5 Otherwise, I'm going to let you all go and take care of some
6 of the things you need to take care of.

7 MS. BONJEAN: Nothing from Ms. Daedone.

8 MS. COHEN: Nothing from Ms. Cherwitz.

9 MS. FARRELL: Your Honor, given that we're talking
10 about this issue, you know, one of the categories is with a
11 witness, one of the victim witnesses, and given that we're
12 all here talking about the issue, it may just make sense to
13 briefly discuss her testimony.

14 THE COURT: Okay. Go ahead.

15 MS. FARRELL: Because it's come up.

16 So this witness lived in the house with Ayries
17 Blanck and was a percipient witness to things that happened
18 between Ms. Cherwitz and Ms. Blanck. I have absolutely no
19 intention to elicit from the witness things that Ayries
20 Blanck said for their truth or even probably at all, but she
21 is going to testify about what she saw happen with Ayries
22 Blanck and Ms. Cherwitz and other members of the house. We
23 put that in our motion.

24 But I know that is a topic that is of great
25 concern to the defense, and so happy to discuss it now,

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1 discuss it later.

2 THE COURT: Tell me a little bit more about what
3 the nature of the testimony would be in terms of what was
4 seen.

5 MS. FARRELL: Sure.

6 So she saw, for example, witnessed conversations
7 between Ms. Cherwitz and other co-conspirators telling
8 Ayries Blanck to and helping her set up an online -- I can't
9 remember if it's Tinder or Match.com, one of those online
10 accounts, where she was instructed to have sex with 30
11 different men in 30 different days. Everyone else was told
12 to do something similar in support of Ayries. They all
13 stripped naked, got in the bathtub, took photos -- or took
14 glamour shots in the tub with rose petals and milky water,
15 and then created -- again, I'm not sure if it was Tinder, I
16 can't remember, but a profile on something like that. And
17 that they were all told to, like, be promiscuous that month
18 in support of this stroke that Ayries was going through in
19 order for her to, you know, I don't know, clear her -- blow
20 her lines clean, I think is --

21 THE COURT: These are the statements of whom?

22 MS. FARRELL: Statements of nobody. This is all a
23 percipient witness talking about what she witnessed.

24 THE COURT: But she witnessed somebody saying
25 something.

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1 MS. FARRELL: Right, you're right. She witnessed
2 the defendant, Ms. Cherwitz, and -- I'm doing this by
3 memory -- potentially one other co-conspirator, I believe
4 Ms. Gilbert, telling -- telling Ms. Ayries to set up this
5 profile and have sex with 30 men in 30 days. So that's
6 going to come out. There's going to be lots of testimony
7 about what Ms. Cherwitz said to Ayries, including, like,
8 berating her, shunning her, calling her out in front of the
9 other staff members in the house. That's going to be, like,
10 a pretty substantial portion of the end of her testimony.

11 I have no -- like I said, I am being very careful
12 about not eliciting Ms. Blanck's statements for their truth
13 or at all. I think there may be some, like, documents we
14 intend to put in through the FBI summary witness that may
15 contain, like, Ayries Blanck's statements for context with
16 Ms. Cherwitz.

17 But I just want to be clear, we have zero
18 intention of putting in Ms. Blanck's statements for their
19 truth, or if at all. But it is coming up, and I know that
20 this is something that the defense cares about, so I just
21 want to flag it while we're all here.

22 THE COURT: I can hear from the defense on this --

23 MS. COHEN: Yes.

24 THE COURT: -- or we can wait until this comes up.

25 MS. COHEN: Okay. Well, I mean, our position is

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1 that the foundation of this is based on hearsay statements
2 of Ayries Blanck and conversations that potentially Ayries
3 had with this witness. And again, that would, our position,
4 you know, lead to confrontation issues, lead to us not being
5 able to present evidence regarding Ayries Blanck and her
6 untruthfulness.

7 So again, you know, it's hard inside this vacuum.
8 Obviously a witness can testify about observations, but to
9 the extent -- we believe that these are based on hearsay
10 statements. So we would object on that foundation,
11 particularly, again, because it concerns this particular
12 witness -- sorry, this particular former witness, Ayries
13 Blanck.

14 THE COURT: Go ahead, Ms. Bonjean.

15 MS. BONJEAN: I think this is potential hearsay.
16 I guess we don't really know because I haven't heard the
17 foundation entirely. Obviously this witness's credibility
18 will be and should be -- you know, if we have the reason to
19 challenge it, the cross-examination should be robust on it.

20 THE COURT: When you're saying "this witness," you
21 don't mean the one who is going to be testifying.

22 MS. BONJEAN: Correct.

23 THE COURT: You mean Blanck?

24 MS. BONJEAN: No, no, no, no, no, the witness who
25 is going to be testifying.

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1 THE COURT: Okay.

2 MS. BONJEAN: I'm just saying if -- I don't know
3 if she's going to be trying to get in hearsay statements of
4 Ayries Blanck. It's not clear to me from this proffer.
5 She's saying that she's going to testify to things she heard
6 herself, which to me means she heard Ms. Cherwitz or I guess
7 Ms. Daedone say things to them as a group. That would seem
8 to me what they are suggesting as how the testimony will
9 come in. Obviously if she is saying -- if this witness is
10 going to testify that Ayries told me about something
11 Ms. Cherwitz said to her, then that would be hearsay. You
12 know, I think we all understand that. So we'll object to
13 that.

14 (Continued on the following page.)

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1 (Continuing)

2 THE COURT: I hear you. I think the Government is
3 saying that she's just going to testify -- she, meaning the
4 witness -- is going to testify about statements that Ms.
5 Cherwitz made in the witness' presence.

6 MS. FARRELL: That's correct.

7 And then the other category of testimony in this
8 vein here is that when Ms. Blanck was in the process of
9 leaving, there was something called a Reconciliation Council
10 form and there were all these a phone calls that the members
11 of the New York house had with the leader of the
12 Reconciliation Council, this man named Ulysse Slaughter.

13 I don't intend to elicit like the specific
14 statements that were said during these phone calls, but I do
15 intend to elicit the fact that they happened, and generally
16 what the topics were that were discussed, what the tone of
17 them -- what the tone of these calls were.

18 And then, ultimately, the fact that Ms. Blanck left
19 in a very like vocal manner about her complaints of the
20 company, again, not eliciting what the complaints were, but
21 the fact that she made a lot of complaints, well-publicized
22 them among all the people in New York, left, and the effect it
23 had on this witness, which is that she started feeling that
24 way herself.

25 She wrote out, as part of this reconciliation

1 process, she wrote her own -- the witness, not Ms. Blanck --
2 the witness wrote out her own sort of complaints and
3 observations, shared it with upper management at OneTaste
4 about the perceived problems of the company, which are
5 relevant to this case, and the fact that she shared those
6 complaints with the company.

7 She will obviously be on the stand and can be
8 cross-examined about her own beliefs and what she wrote. But
9 we do intend to elicit all of that as part of this notice
10 rubric.

11 THE COURT: You mentioned a Reconciliation Council,
12 but I don't think you told me who was on these phone calls or
13 what this council is.

14 MS. FARRELL: Sure.

15 So it was a gentleman named Ulysses Slaughter was
16 brought in. He had some kind of background in like mediation
17 or I think he had a -- he, too, had a very troubled childhood
18 and has dedicated his life to -- I think he would say -- he's
19 not going to testify -- but would say like people understood
20 that he was brought in to essentially mediate complaints
21 within the organization, and that there were phone calls
22 between all of the people who were living in the New York
23 house while all of these fights and screaming and berating and
24 whatnot were going on, where everyone was just getting out
25 their emotions and their complaints with each other.

1 The witness will testify there were numerous phone
2 calls where they were trying to like work it out with Ms.
3 Blanck and with the other members of the New York house, and
4 that those were ultimately unsuccessful.

5 THE COURT: The witness is on these calls or no?

6 MS. FARRELL: Yes, she is. She's on them.

7 So, that's what the Reconciliation Council is.

8 MS. BONJEAN: Again, I don't how this is going to
9 come out. It's sounding a little bit like a side trial, a
10 little Ayries Blanck's experience there. And, you know, I
11 think they may be opening the door to some issues as it
12 relates to Ayries Blanck's credibility.

13 Now, Again, I don't know what this woman exactly
14 saw. And I don't know how the evidence will come out or what
15 they intend to elicit, but if we're going to be presenting
16 Ayries Blanck's story as gospel here, I think, you know, this
17 jury's entitled to know that Ayries Blanck is not a credible
18 historian of really much of anything. Now again, that may or
19 may not what comes out because this woman presumably is going
20 to testify about what she saw with her own eyes.

21 And the whole notice thing doesn't make a whole lot
22 of sense because I don't know -- the allegations that we're
23 talking about here all predated this incident, or, at least,
24 Ayries Blanck's departure. So I don't know what relevance the
25 notice would be at that point, so --

1 THE COURT: Is it an issue of notice or is it an
2 issue of the witness who's going to be testifying wrote
3 something because she had an understanding that somebody else
4 had written something?

5 MS. FARRELL: No. She wrote something that was like
6 her feelings about what the problems were at OneTaste and
7 shared it with upper management at OneTaste. And
8 Reconciliation Council phone calls are happening the end of
9 2014. This witness writes her feelings down sometime I think
10 in early 2015.

11 THE COURT: Why is the Blanck piece needed? Is this
12 separate from Blanck -- I'm sorry if I missed what you're
13 saying.

14 MS. FARRELL: So the reconciliation calls with Ms.
15 Blanck are what caused this witness to look at her own
16 experience.

17 THE COURT: Right. That's what I thought you were
18 saying.

19 MS. COHEN: Yeah. And that in, I think lies the
20 problem here, because again, if the -- if what this witness
21 has felt and was upset about and was alerting management is
22 based on Ayries Blanck's statements, right? Even if she
23 weren't on these calls, whatever, again, we would be able to
24 impeach her with the degree of information about this hearsay
25 evidence, because this witness lied in fabricated journals, as

1 we now know. Who's to say she was telling the truth at this
2 time?

3 THE COURT: Well, would it matter, though, if really
4 what was happening was this witness, who is going to testify,
5 heard that Ayries had done or said something, regardless of
6 whether what she did or said was accurate or true, and this
7 witness reacted.

8 MS. COHEN: Right.

9 THE COURT: It's explaining why this witness took an
10 action; right?

11 MS. COHEN: Right. But if the action was taken
12 because of lies, you know, I mean, the jury could decide that
13 for themselves, we would be able to impeach with those lies,
14 to show that the person who is complaining is liar and
15 fabricator.

16 THE COURT: But what does that have to do with this
17 witness taking an action? I'm not sure that there's a --

18 MS. COHEN: Well, because if that was fake
19 statements, right? If Ayries Blanck was making that up then
20 and this witness, now we're saying, oh, but this witness was
21 so upset to about hear this, and told the defendants and they
22 were therefore on notice -- you can see that it creates a
23 layer of like they were on notice about some lies over here
24 that this witness believed were true.

25 You know, to me, that's, again --

1 THE COURT: I think if the witness is being asked
2 why she did something, though, then really what becomes
3 relevant is what she did and she'll say why she did it, but it
4 wouldn't the veracity of what she was basing on it on. She
5 was reacting at the time to whether it was, true, false or
6 somewhere in between.

7 MS. COHEN: Right. But we should be able to say and
8 confirm that if that complaint was fake, would it have changed
9 the actions that you took or how you felt at the time?

10 I mean, if I was, you know, heard that someone had
11 all these complaints and something terrible happened to them,
12 I may take certain actions and then if I learned that that was
13 fake and never happened, I would feel like, oh, my gosh. I
14 feel so bad. I campaigned to so-and-so, and that's not even
15 true.

16 MS. BONJEAN: This comes back down to like how the
17 jury will use the information. Like if they are using it for
18 notice and other purpose, then I guess what Ms. Cohen is
19 suggesting wouldn't be unfair, wouldn't be a risk.

20 But I think we know that there's a high risk that
21 the jury will use that information for a purpose other than
22 notice, and maybe an instruction could deal with that or
23 something of that nature.

24 THE COURT: I mean, if you want specific limiting
25 instructions, you're always welcome to propose, whether it's

1 tailored to notice or any other non-hearsay reason.

2 MS. BONJEAN: I do want to point out, though, and
3 it's unclear to me -- I think the Government is referencing a
4 writing.

5 Is this the Government 906, 907 writing?

6 MS. FARRELL: Yes.

7 THE COURT: Somebody has to tell me what that is.

8 MS. BONJEAN: Well, that is -- that's the writing
9 that they're just referencing.

10 THE COURT: That's the writing? Okay.

11 MS. BONJEAN: This is the first time I've heard who
12 even authored it, right here, right now. We had no knowledge
13 that it was sent to anybody. It's not dated. It's not
14 signed. There's not an e-mail, I mean.

15 THE COURT: But that presumably would be the
16 foundation that they would lay with a witness or else, you're
17 right. There has to be some understanding.

18 MS. BONJEAN: I understand now how they intend to
19 use it.

20 MS. FARRELL: I did send that one in reference to
21 this.

22 THE COURT: Is it that 906 or 907 are slightly
23 different or are they the same?

24 MS. FARRELL: Yes. She sent it to Rob Kandell, and
25 he -- there's like commentary. So I think some of the

1 statement is hers. In one of the versions, some -- it has Rob
2 Kandell's writing as well, which I don't think -- I really am
3 more focused on just her.

4 MS. BONJEAN: And Rob Kandell didn't even work there
5 at the time, I don't think. I don't know how -- again --

6 MS. BENSING: We're not trying to put in his
7 statements whatsoever.

8 MS. BONJEAN: You mean the papers themselves?
9 They're not being offered?

10 MS. BENSING: Her statements, we may offer, but --

11 THE COURT: Not his commentary.

12 MS. BENSING: -- not the portion with his
13 commentary.

14 MS. BONJEAN: Judge, I don't want to work this out
15 in front of you.

16 THE COURT: That's fine.

17 MS. BONJEAN: It's literally right now clicking for
18 me who that belonged to.

19 THE COURT: Okay.

20 MS. FARRELL: Understood. We know this is something
21 that the defense cares a lot about. We're all here and I
22 wanted to raise it before the weekend.

23 THE COURT: I think I've got it. Thank you.

24 So I'm expecting tomorrow to get the joint expert
25 submission and then the joint requests-to-charge-related

1 submission.

2 MS. BENSING: Yes.

3 THE COURT: I'm not expecting anything else. I will
4 be working on the request-to-charge.

5 Yes?

6 MS. BENSING: Your Honor, I think we had raised this
7 now a couple of times this week, but we still have a list of
8 49, perhaps, defense witnesses.

9 I do think it's possible -- I'm always optimistic
10 that the defense case will start next week, and so obviously,
11 the Government needs some kind of notice as to who will be
12 called.

13 MS. COHEN: Yes, Your Honor, and that was one of the
14 reasons for the delay in the jury instructions. We have been
15 working on that and we plan to get that to the Government at
16 some point over the weekend, at least to exclude, you know,
17 hopefully, a lot of the witnesses. It may still depend on the
18 testimony that comes in, of course, as to who.

19 THE COURT: Do you think you're really going to need
20 that many witnesses, 49?

21 MS. COHEN: No, we are certainly -- that's what I'm
22 saying. We will get you a list.

23 THE COURT: Right.

24 MS. COHEN: It may not be the exact -- we may have
25 to alter depending on the testimony that's coming up.

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1 THE COURT: I understand.

2 MS. COHEN: We will do that this weekend now that we
3 have time to focus on it and figure out scheduling and all of
4 that.

5 THE COURT: I'll ask you to do the same thing that
6 the Government -- that I've asked them to do, which is to let
7 them know who is coming earlier rather than later in your
8 order, if you know that.

9 MS. COHEN: Yes. Absolutely.

10 THE COURT: Okay. And obviously, recognizing you
11 don't have to put on any case at all, either defendant, but to
12 the extent you think you are going to and you know the order,
13 let the Government know that as well.

14 MS. COHEN: Yes, Your Honor.

15 THE COURT: I think you asked me, Ms. Farrell, about
16 what I would need from you in terms of your anticipated cross
17 materials?

18 MS. FARRELL: Correct.

19 THE COURT: I think you know what the materials are
20 more than I do.

21 MS. FARRELL: Once we narrow the witnesses, maybe.

22 MS. BENSING: We really don't because we don't know
23 who they're calling.

24 MS. FARRELL: Obviously, this is a decision they
25 have to make and one we won't know in advance.

1 But if the defendants testify, I'm sure there will
2 be a lot of video and documents that we want to reference,
3 which we are pulling together.

4 THE COURT: Okay. Is it separate from the videos
5 and documents that you have already identified; right?

6 MS. FARRELL: There is some overlap, but there will
7 be additional things.

8 THE COURT: Okay.

9 MS. FARRELL: Yes.

10 I'm sorry. One more thing.

11 So we have done -- I'm sorry, Jennifer. I didn't
12 hear you. I'm so sorry. This will be quick.

13 The financial evidence is largely in the form of
14 summary charts, Your Honor. The underlying documents are
15 literally thousands of pages long. It is not our intention to
16 provide you hard copies of those.

17 THE COURT: Thank you.

18 MS. FARRELL: Okay. Just checking. Thank you.

19 THE COURT: Is there going to be argument about
20 foundation or authenticity?

21 MS. FARRELL: They're all business records. They're
22 mostly certified records produced by Government's -- like the
23 Department of Labor or the IRS. So I don't know if they have
24 objections to that, but that's pretty standard business
25 records.

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1 THE COURT: If the certifications match the rule, it
2 certainly is, and I would ask the defense to take a look and
3 let me know if you have any issues with that.

4 MS. FARRELL: And then some, I think, some are
5 OneTaste business records.

6 THE COURT: And those are certifications as well?

7 MS. FARRELL: Correct.

8 MS. BONJEAN: If they have certifications, I can't
9 imagine we would be objecting on authenticity.

10 MS. COHEN: I agree.

11 THE COURT: Okay. I missed that comment, but okay.
12 Everybody looks happy. We will end on that. Have a
13 great weekend. I know some of you are under the weather.

14 MS. BONJEAN: Yeah. Sorry for the coughing.

15 THE COURT: Everyone stay healthy. Get some rest.

16 I'll see everyone Tuesday at 9:15 so we can do the
17 Kandell part outside the presence of the jury.

18 MS. BONJEAN: All right. Thank you.

19 (Matter adjourned to May 27, 2025 at 9:15 a.m.)
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